

# Exhibit F - Deposition of Defendant Travis Crumrine

SERGEANT TRAVIS CRUMRINE

December 27, 2017

1 CERTIFICATE OF COURT REPORTER

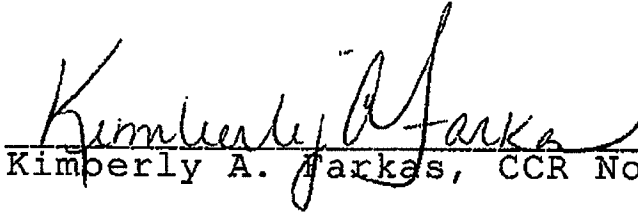
2 STATE OF NEVADA )  
3 ) ss:  
4 COUNTY OF CLARK )

5 I, Kimberly A. Farkas, Certified Court  
6 Reporter licensed by the State of Nevada, do  
7 hereby certify that I reported the deposition of  
8 SERGEANT TRAVIS CRUMRINE, commencing on December  
9 27, 2017, at 10:02 a.m.

10 Prior to being deposed, the witness was duly  
11 sworn by me to testify to the truth. I thereafter  
12 transcribed my said stenographic notes, and that  
13 the transcript is a complete, true, and accurate  
14 transcription, and that a request was made for a  
15 review of the transcript.

16 I further certify that I am not a relative,  
17 employee, or independent contractor of counsel,  
18 nor a person financially interested in the  
19 proceeding.

20 IN WITNESS WHEREOF, I have set my hand in my  
21 office in the County of Clark, State of Nevada,  
22 this January 8th, 2018.

23  
24   
25 Kimberly A. Farkas, CCR No. 741  
26

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \* \* \*

ESTATE OF TASHI S. FARMER  
a/k/a TASHII FARMER a/k/a  
TASHII BROWN, by and through  
its Special Administrator,  
Elia Del Carmen  
Solano-Patricio; TAMARA  
BAYLEE KUUMEALI'MAKAMAE  
FARMER DUARTE, a minor,  
individually and as  
Successor-in-Interest, by and  
through her legal guardian,  
Stevandra Lk Kuanoni; ELIAS  
BAY KAIMIPONO DUARTE, a  
minor, individually and as  
Successor-in-Interest, by and  
through his legal guardian,  
Stevandra Lk Kuanoni,

Plaintiffs,

vs.

Case No. 2:17-CV-01946-  
JCM-PAL

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, a political  
subdivision of the State of  
Nevada; OFFICER KENNETH  
LOPERA, individually and in  
his Official Capacity; and  
Does 1 through 50, inclusive,

Defendants.

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VIDEOTAPED DEPOSITION OF SERGEANT TRAVIS CRUMRINE

Las Vegas, Nevada

December 27, 2017

Reported by: Kimberly A. Farkas, RPR, CCR #741

Job: 24050

## SERGEANT TRAVIS CRUMRINE

December 27, 2017

Page 2	Page 4
<p>1 Videotaped Deposition of SERGEANT TRAVIS 2 CRUMRINE, taken at 330 E. Charleston Blvd. Suite 100, 3 Las Vegas, Nevada, on Wednesday, December 27, 2017, 4 at 10:02 a.m., before Kimberly A. Farkas, 5 Certified Court Reporter in and for the State of 6 Nevada. 7 8 APPEARANCES 9 10 For the Plaintiffs: 11 FEDERICO C. SAYRE, ESQ. 12 DARREN D. DARWISH, ESQ. 13 ABIR COHEN TREYZON SALO, LLP 14 1901 Avenue of the Stars, Suite 935 15 Los Angeles, California 90067 16 (424) 288-4367 17 ddarwish@actslaw.com 18 19 For the Defendant Las Vegas Metropolitan Police 20 Department: 21 22 CRAIG R. ANDERSON, ESQ. 23 Marquis Aurbach Coffing 24 10001 Park Run Drive 25 Las Vegas, Nevada 89145 (702) 382-0711 canderson@maclaw.com</p>	<p>1 VIDEOTAPED DEPOSITION OF SERGEANT TRAVIS CRUMRINE 2 December 27, 2017 3 Kimberly A. Farkas, CCR No. 741 4 * * * * * 5 6 INDEX 7 8 SERGEANT TRAVIS CRUMRINE 9 Examination by Mr. Sayre 6 10 Examination by Mr. McNutt 79 11 Examination by Mr. Sayre 90 12 Examination by Mr. McNutt 92 13 (No exhibits marked) 14 * * * * * 15 16 17 18 19 20 21 22 23 24 25</p>
Page 3	Page 5
<p>1 \\\ 2 APPEARANCES (continued) 3 4 For the Defendant Officer Kenneth Lopera: 5 6 DANIEL R. McNUTT, ESQ. 7 McNutt Law Firm, P.C. 8 625 South Eighth Street 9 Las Vegas, Nevada 89101 10 (702) 384-1117 11 drm@mcnuttlawfirm.com 12 13 14 15 16 17 18 19 Also present: Tom Burtney, Videographer 20 Ruth Miller, LVMPD 21 22 23 24 25</p>	<p>1 LAS VEGAS, NEVADA 2 Wednesday, December 27, 2017 3 10:02 a.m. 4 DEPOSITION OF SERGEANT TRAVIS CRUMRINE 5 * * * * * 6 (The court reporter was relieved of her 7 duties under NRCP 30(b)4.) 8 THE VIDEOGRAPHER: Good morning. Here 9 begins media no. 1 of the deposition of 10 Travis Crumrine in the matter of The Estate of 11 Tashi S. Farmer, et al., versus Las Vegas 12 Metropolitan Police Department, et al. This case 13 is in the United States District Court, District 14 of Nevada. The case number is 2:17-CV-01946- 15 JCM-PAL. 16 Today's date is December the 27th, 2017, 17 and the time is 10:02 a.m. This deposition is 18 taking place at 330 East Charleston Boulevard, 19 Suite 100, in Las Vegas, Nevada. The videographer 20 is Tom Burtney, appearing on behalf of First Legal 21 Depositions Services. 22 Would counsel please identify yourselves 23 and state whom you represent. 24 MR. SAYRE: For the plaintiffs, 25 Federico Sayre.</p>

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<p>Page 6</p> <p>1 MR. DARWISH: Darren Darwish on behalf 2 of plaintiffs. 3 MR. McNUTT: Dan McNutt on behalf of 4 Ken Lopera. 5 MR. ANDERSON: Craig Anderson on behalf 6 of the Las Vegas Metropolitan Police Department. 7 THE VIDEOGRAPHER: Also present is 8 Ruth Miller. 9 The reporter today is Kimberly Farkas. 10 Would the reporter swear in the witness. 11 SERGEANT TRAVIS CRUMRINE, 12 having been first duly sworn, was examined and 13 testified as follows: 14 EXAMINATION 15 BY MR. SAYRE: 16 Q. Officer Crumrine, my name is Fred Sayre, 17 and I'm going to be asking you some questions 18 concerning an event that you were involved in. 19 Have you ever had your deposition taken 20 before? 21 A. Yes. 22 Q. How many occasions? 23 A. Once. 24 Q. Okay. And how long ago was that? 25 A. Nine years ago.</p>	<p>Page 8</p> <p>1 A. Yes. 2 Q. Please don't answer a question that you 3 don't understand. Ask me to repeat it, rephrase 4 it, or do something to indicate it wasn't -- it 5 wasn't understood, and I'll do my best to try to 6 make it understandable. 7 Will you do that, please? 8 A. Yes. 9 Q. If you answer a question, I'm going to 10 assume that you've understood it. 11 Is that fair enough? 12 A. Yes. 13 Q. All right. Please wait until I've given 14 my question completely before you start your 15 answer, and I'll give you the same courtesy. 16 Besides simply being courteous, it's 17 difficult for two people -- to take down two 18 people who are speaking at the same time, and 19 sometimes the last -- well, the last phrase could 20 change potentially the meaning of my -- my 21 question. 22 Do you understand that? 23 A. Yes. 24 Q. I don't expect this to be a lengthy 25 deposition, but at any time, if you wish to take a</p>
<p>Page 7</p> <p>1 Q. Okay. You've been sworn to tell the 2 truth. And although we're sitting here somewhat 3 informally in this conference room, do you 4 understand that oath is as binding on you here as 5 if you were in a courtroom of law? 6 A. Yes. 7 Q. Everything that is stated here today by 8 anyone, including yourself, will be taken down by 9 the court reporter. She'll later have it typed up 10 into a booklet form, and you'll be given an 11 opportunity to read, review, and you can make 12 changes or corrections to what you've testified to 13 here today. 14 Do you understand that? 15 A. Yes. 16 Q. However, if you make a change or 17 correction, you -- that change or correction can 18 be commented upon, and it could prove, at least, 19 embarrassing to you, if not damaging to your 20 employer. 21 Do you understand that? 22 A. Yes. 23 Q. So we ask you to give your best response 24 here today. 25 Will you do that, please?</p>	<p>Page 9</p> <p>1 break, just indicate, and your request will be 2 honored. The only thing I would ask is if there's 3 a question pending, that you answer the question 4 before we take the break. 5 Will you do that, please? 6 A. Yes. 7 Q. I'm going to be asking you questions 8 that have to do with time and potentially 9 distances. And you may or may not have an exact 10 answer to my questions. However, even if you 11 don't have an exact answer, you may well have an 12 estimate. And if you have an estimate, I'm 13 entitled to your best estimate. But I'm not 14 entitled to just a pure guess. 15 Do you understand that? 16 A. Yes. 17 Q. The difference between a guess and an 18 estimate is not always clear. If I asked you to 19 estimate the length of this table, you have a life 20 experience with feet and inches or meters and 21 centimeters. You can see the table. You can 22 probably give a reasonable estimate. 23 If I asked you to estimate the amount of 24 money I have in coins in my pocket, it would have 25 to be a pure guess because you haven't been in my</p>

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<p style="text-align: right;">Page 10</p> <p>1 pocket recently.</p> <p>2 Is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. All right. Would you tell me if you</p> <p>5 have any medications that you've taken which would</p> <p>6 affect your ability to give your best response or</p> <p>7 to remember the events in question.</p> <p>8 A. No.</p> <p>9 Q. Okay. Now, Officer Crumrine, could you</p> <p>10 tell me, please, about your educational</p> <p>11 background, beginning with high school.</p> <p>12 A. I went to high school in Quincy,</p> <p>13 Illinois. Graduated from there. Attended</p> <p>14 John Wood Community College and Northeastern</p> <p>15 Illinois University in Chicago.</p> <p>16 Q. Let me ask you this: What year did you</p> <p>17 graduate from high school?</p> <p>18 A. 1998.</p> <p>19 Q. And John Wood, what year did you</p> <p>20 graduate from that? I assume you graduated.</p> <p>21 A. I didn't graduate. I transferred to</p> <p>22 Northeastern from there.</p> <p>23 Q. Okay. Northeastern. Okay.</p> <p>24 A. Yes.</p> <p>25 Q. Where is Northeastern located?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. I have no other employment history here.</p> <p>2 Q. Okay. So you went to an academy</p> <p>3 sponsored by Metropolitan Police Department, I</p> <p>4 assume?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. And when were you commissioned as</p> <p>7 a police officer?</p> <p>8 A. February 8th, 2006.</p> <p>9 Q. Okay. And could you tell me what your</p> <p>10 first position was with the police department?</p> <p>11 A. Patrol officer at South Central Area</p> <p>12 Command.</p> <p>13 Q. And what were your responsibilities in</p> <p>14 that position?</p> <p>15 A. Respond to calls for service, conduct</p> <p>16 proactive police activity, patrolling mostly the</p> <p>17 Las Vegas strip and the area south of the airport.</p> <p>18 Q. All right. And how long were you in</p> <p>19 that position?</p> <p>20 A. Well, I changed stations, but I became a</p> <p>21 detective in April of 2012.</p> <p>22 Q. And how did you become a detective?</p> <p>23 Meaning, did you take some type of exam? How</p> <p>24 did -- how did --</p> <p>25 A. It's an oral board.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. In Chicago, at St. Louis and Foster. I</p> <p>2 think it was 5500 North St. Louis.</p> <p>3 Q. That shows you how much I know. My</p> <p>4 daughter --</p> <p>5 A. If memory serves me.</p> <p>6 Q. I'm sorry?</p> <p>7 A. If memory serves me correctly.</p> <p>8 Q. My daughter is going to Northwestern.</p> <p>9 She just started. So I didn't --</p> <p>10 A. My sister went to Northwestern.</p> <p>11 Q. -- I didn't know where Northeastern is,</p> <p>12 so now I do.</p> <p>13 All right. Did you graduate from</p> <p>14 Northeastern?</p> <p>15 A. No.</p> <p>16 Q. Okay. What was your area of major at</p> <p>17 Northeastern?</p> <p>18 A. Criminal justice.</p> <p>19 Q. Okay. When did you leave Northeastern?</p> <p>20 A. That would be 2004, I think.</p> <p>21 Q. And when did you move to Las Vegas?</p> <p>22 A. August of 2005.</p> <p>23 Q. Tell me about your employment history,</p> <p>24 if any, in Las Vegas prior to becoming a police</p> <p>25 officer.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. And how did your responsibilities change</p> <p>2 when you became a detective?</p> <p>3 A. I was assigned to vice enforcement</p> <p>4 section.</p> <p>5 Q. Were you promoted to sergeant at that</p> <p>6 time or was that later?</p> <p>7 A. No, sir.</p> <p>8 Q. Okay. All right. How long did you</p> <p>9 remained in vice enforcement?</p> <p>10 A. Until August 27th of 2016.</p> <p>11 Q. Okay. When were you promoted to</p> <p>12 sergeant?</p> <p>13 A. August 27th, 2016.</p> <p>14 Q. And in order to become a sergeant, did</p> <p>15 you have to take an exam?</p> <p>16 A. Yes.</p> <p>17 Q. Written? Oral?</p> <p>18 A. It was a written test, a practical exam,</p> <p>19 and an oral board at that time.</p> <p>20 Q. Okay. What were your responsibilities</p> <p>21 as a sergeant after August 27, 2016?</p> <p>22 A. I supervised the squad patrol officers</p> <p>23 at the Convention Center Area Command.</p> <p>24 Q. Did you conduct roll call, that sort of</p> <p>25 thing?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. Yes.</p> <p>2 Q. All right. All right. Did you</p> <p>3 participate in Safe Strip, the program Safe Strip?</p> <p>4 A. Not specifically, because Safe Strip was</p> <p>5 dealt with by other squads. When I was initially</p> <p>6 assigned to a patrol squad, at that time, Safe</p> <p>7 Strip was handled with overtime officers and</p> <p>8 patrol squads, and that was handled by my</p> <p>9 lieutenant and some other sergeants working either</p> <p>10 on duty or overtime.</p> <p>11 Q. Up to the point where this event</p> <p>12 occurred, and I'll represent to you it occurred in</p> <p>13 May, the night of May the 13th and the morning of</p> <p>14 May the 14th, 2017, who was your lieutenant?</p> <p>15 A. On that particular day?</p> <p>16 Q. I see.</p> <p>17 A. Sorry.</p> <p>18 Q. It changed depending upon the</p> <p>19 assignment. Okay.</p> <p>20 Well, let's take that day and -- or that</p> <p>21 night and early morning question.</p> <p>22 A. Okay.</p> <p>23 Q. What time did you start your shift?</p> <p>24 A. We started our shift at 8:00 p.m.</p> <p>25 Q. What was your assignment that night?</p>	<p style="text-align: right;">Page 16</p> <p>1 for service.</p> <p>2 Q. Okay. What do you mean by "proactive</p> <p>3 enforcement"?</p> <p>4 A. We patrol the Strip and deal with your</p> <p>5 quality-of-life issues, issues that impact</p> <p>6 tourism, traffic flow, pedestrian flow.</p> <p>7 Q. You respond to things that you encounter</p> <p>8 as you're patrolling? Is that the idea?</p> <p>9 A. Yes.</p> <p>10 Q. All right. Okay. Now, that shift that</p> <p>11 began at eight o'clock, how long were you</p> <p>12 intending to conduct that shift? What was the</p> <p>13 length of the shift?</p> <p>14 A. Until 6:00 a.m., 10 hours.</p> <p>15 Q. So I take it that you were on 4/10?</p> <p>16 A. Yes.</p> <p>17 Q. How many officers were under your</p> <p>18 control and supervision that night and morning?</p> <p>19 A. I had -- let's see here. I had my flex</p> <p>20 squad and the other flex squad. Their sergeant</p> <p>21 was off that night. He had 16 officers on the</p> <p>22 books, but he only had, I think, 11 that night. I</p> <p>23 think he had five or six off. So 10 or 11 from</p> <p>24 his squad. And my squad had 12 on it. I'm not</p> <p>25 sure if everyone was working. It could have had</p>
<p style="text-align: right;">Page 15</p> <p>1 A. We were Safe Strip that night. I had</p> <p>2 changed squads.</p> <p>3 Q. Okay. When you say you changed squads,</p> <p>4 what -- when did the change take place?</p> <p>5 A. As a close guess, about March 11th, I</p> <p>6 want to say.</p> <p>7 Q. Okay. Is that your best estimate?</p> <p>8 A. Yeah.</p> <p>9 Q. March 11, 2017?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. And what squad had you been in</p> <p>12 just before making that change?</p> <p>13 A. I had graveyard patrol squad, and then I</p> <p>14 changed to a graveyard -- what they call a flex</p> <p>15 squad.</p> <p>16 Q. The graveyard patrol -- graveyard patrol</p> <p>17 squad that you changed from, where was that</p> <p>18 assignment geographically located?</p> <p>19 A. Still Convention Center on the Strip.</p> <p>20 Q. Okay. And you changed to the Strip.</p> <p>21 How did your responsibilities change, if</p> <p>22 at all?</p> <p>23 A. Flex squad is responsible for proactive</p> <p>24 enforcement on the Strip. They're not</p> <p>25 specifically responsible for responding to calls</p>	<p style="text-align: right;">Page 17</p> <p>1 two off, so somewhere around 20 officers.</p> <p>2 Q. Okay. Was Officer Lopera under your</p> <p>3 supervision and control that evening?</p> <p>4 A. Yes.</p> <p>5 Q. What about Officer Tran?</p> <p>6 A. Yes.</p> <p>7 Q. Was that your -- normally your members</p> <p>8 of your squad, or were they members of another</p> <p>9 squad that you were --</p> <p>10 A. Officer Tran is the member of the other</p> <p>11 squad that I was covering for the other sergeant.</p> <p>12 Q. And who was the other sergeant that was</p> <p>13 not on duty that night?</p> <p>14 A. Francois Obasi. I'll spell his last</p> <p>15 name for you if you'd like.</p> <p>16 Q. Please.</p> <p>17 A. O-B-A-S-I.</p> <p>18 Q. It was easy. Okay. All right.</p> <p>19 So he was off because of a vacation day</p> <p>20 or --</p> <p>21 A. His daughter was graduating from college</p> <p>22 or something.</p> <p>23 Q. Okay. So Tran and Flores were on --</p> <p>24 under his supervision normally?</p> <p>25 A. Correct.</p>



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<p style="text-align: right;">Page 18</p> <p>1 Q. But that night they were under yours?</p> <p>2 A. Yes.</p> <p>3 Q. All right. And Lopera was normally</p> <p>4 under your supervision and control?</p> <p>5 A. Yes.</p> <p>6 Q. So that means that Officer Lif -- Lif --</p> <p>7 L-I-F --</p> <p>8 A. Lif.</p> <p>9 Q. -- Lif -- would have been under your</p> <p>10 supervision and control?</p> <p>11 A. Yes.</p> <p>12 Q. All right. Now, at some point, you were</p> <p>13 drawn to a location outside the Venetian where</p> <p>14 Officer Lopera was involved with a subject;</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Where had you been just before that?</p> <p>18 A. Just before that, I was at our Safe</p> <p>19 Strip -- excuse me -- Safe Strip briefing.</p> <p>20 Q. Okay. Now, I've learned, I guess, that</p> <p>21 that Safe Strip briefing takes place at</p> <p>22 12 midnight; is that true?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. So did you conduct the Safe Strip</p> <p>25 briefing?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Well, let's start with your squad.</p> <p>2 A. Okay. Hawaiian Marketplace, Paris,</p> <p>3 Bally's, Treasure Island, Mirage, and I sent an</p> <p>4 officer to the jail. That would be my squad.</p> <p>5 Q. Okay. So I presume there must have been</p> <p>6 maybe two officers per location?</p> <p>7 A. Correct.</p> <p>8 Q. All right. And did they stand a post,</p> <p>9 or did they circulate? How does that work?</p> <p>10 A. They have a property they're assigned</p> <p>11 to. They can work all around the property.</p> <p>12 Mostly they're going to be out on Las Vegas</p> <p>13 Boulevard, on the sidewalks there, making contact</p> <p>14 with citizens.</p> <p>15 Q. Okay.</p> <p>16 A. Making stops if necessary.</p> <p>17 Q. And did you have a particular post or</p> <p>18 location where you were assigned?</p> <p>19 A. No. I would generally flow all the way</p> <p>20 up and down the Strip --</p> <p>21 Q. Okay.</p> <p>22 A. -- checking on my officers.</p> <p>23 Q. All right. Now, what about the other</p> <p>24 squad? Where were they covering?</p> <p>25 A. So they would have Encore, Wynn,</p>
<p style="text-align: right;">Page 19</p> <p>1 A. I did. Myself, a sergeant working</p> <p>2 overtime, and my lieutenant.</p> <p>3 Q. Okay. And who was the sergeant working</p> <p>4 overtime?</p> <p>5 A. I believe it was Bill Jones or</p> <p>6 William Jones.</p> <p>7 Q. Okay. And who was the lieutenant?</p> <p>8 A. Steve Summers.</p> <p>9 Q. So in terms of authority, would he have</p> <p>10 been your supervisor that evening?</p> <p>11 A. Yes.</p> <p>12 Q. And did he give you a specific</p> <p>13 assignment that evening?</p> <p>14 A. The assignments are already pretty well</p> <p>15 set. We have our hotel properties that we're</p> <p>16 responsible for covering, and then as a sergeant,</p> <p>17 I assign my officers to those properties. And</p> <p>18 there's not a huge amount of new information that</p> <p>19 takes place at Safe Strip briefings.</p> <p>20 Q. Okay. What properties did your squad</p> <p>21 have responsible for that evening?</p> <p>22 A. This is going to be my best estimate.</p> <p>23 Q. All right.</p> <p>24 A. Let's see here. My squad or both squads</p> <p>25 that I was covering?</p>	<p style="text-align: right;">Page 21</p> <p>1 Venetian, Palazzo, Flamingo, Harrah's, Cromwell,</p> <p>2 Caesars Palace, Bellagio. That's about it. And</p> <p>3 then the rest of the hotels on the Strip would be</p> <p>4 covered by overtime officers.</p> <p>5 Q. Okay. Now, as I understood it,</p> <p>6 Officer Lopera was a member of your squad?</p> <p>7 A. Yes.</p> <p>8 Q. But he and Officer Lif were actually</p> <p>9 located in the Venetian when this starts?</p> <p>10 A. Correct.</p> <p>11 Q. How did that occur?</p> <p>12 A. Because the other squad had let,</p> <p>13 honestly, too many people off. I had to</p> <p>14 supplement their spots with my officers. So I had</p> <p>15 initially assigned Officer Lif and Officer Lopera</p> <p>16 to the Hawaiian Marketplace, I believe. And then</p> <p>17 at the last minute, I texted them and told them to</p> <p>18 move to the Venetian.</p> <p>19 Q. All right. So would it be fair to say</p> <p>20 that normally Officer Lopera would not have been</p> <p>21 patrolling the Venetian?</p> <p>22 A. Correct.</p> <p>23 Q. Do you know if he had ever patrolled the</p> <p>24 Venetian before that evening?</p> <p>25 A. I'm pretty sure that he had not.</p>



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<p style="text-align: right;">Page 22</p> <p>1 Q. So, among other things, he would not be 2 that knowledgeable about the different aspects of 3 the Venetian? 4 A. Correct. 5 Q. Geographically? 6 A. Correct. 7 Q. Okay. So at some point, you got some 8 type of notice or call telling you that something 9 was going on? 10 A. Correct. 11 Q. And how did you get that? 12 A. I was traveling west on Sands, just east 13 of Koval, and there was some garbled radio 14 traffic. And the dispatcher called out a code red 15 for Venetian 1. 16 Q. All right. And does this mean you were 17 in a car? 18 A. Yes. 19 Q. Okay. 20 A. Sorry. 21 Q. And were you by yourself? 22 A. Yes. 23 Q. Okay. And "code red" means what? 24 A. That an emergency exists on the channel. 25 Q. Okay. And did they tell you where you</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Where did you go? 2 A. So as I -- I turned south on Koval, west 3 into the service drive that comes into the back of 4 the Venetian. And as I'm driving up, rolling 5 code, because I don't know at all where they are 6 on the property, I see Lopera and Farmer-Brown on 7 the ground in front of me as I'm driving up. 8 Q. Okay. The service drive is sometimes -- 9 I think -- I've heard it referred to by the 10 security people as north-south road. 11 A. Okay. 12 Q. You don't know that? 13 A. No. 14 Q. All right. But it's -- you're pretty 15 sure that's the road that you -- that they were on 16 and you rode in on, I guess, from -- 17 A. It runs east-west, so it would be weird 18 that it's called north-south, but okay. 19 Q. Never been there. 20 In any event, it's the road that runs -- 21 it's a service road? 22 A. Yes. 23 Q. Okay. And as you were driving, were you 24 underneath the Venetian or behind the Venetian? 25 A. No. It's open air. We're coming along</p>
<p style="text-align: right;">Page 23</p> <p>1 needed to respond to? 2 A. No. 3 Q. Okay. Where did you go? 4 A. I started heading for the Venetian. I 5 mean, we know by the call sign where the officers 6 generally should be located. If it's Venetian 1 7 calling out that code red, it was a pretty good 8 chance that they're on that property. 9 Q. Okay. So Venetian 1 would be one of the 10 two officers, and venetian 2 would be the other? 11 A. No. Venetian 1 is a two-man unit. 12 They're -- they're all going to be -- each call 13 sign is a two-man. 14 Q. Okay. So Venetian 1 would have been 15 Lopera and Lif? 16 A. Correct. 17 Q. Okay. So you headed over to the 18 Venetian. 19 How far was the Venetian from your 20 location when you got the call? 21 A. Three blocks, depending on the size of 22 your blocks, I guess. 23 Q. Okay. And I assume you parked 24 someplace? 25 A. No.</p>	<p style="text-align: right;">Page 25</p> <p>1 the back between the Sands Expo Center and the 2 north side of the Harrah's property. This road 3 runs -- there's an employee Venetian -- Venetian 4 employee garage on the south side. So it was open 5 air, and they're on the ground, just as you're 6 going to come under the -- 7 Q. I see. Okay. So now I understand. 8 A. -- parking garage. 9 Q. The service -- there's another road, I 10 think, that's probably north -- 11 A. The north-south is probably the one that 12 cuts down where they actually bring in the trucks 13 from the delivery. 14 Q. The east-west one is the one that you 15 can see in the Venetian security video? 16 A. Yes. 17 Q. Okay. Very good. 18 Okay. So you drove up to the scene -- 19 A. Um-hum. 20 Q. -- I take it? 21 A. Yes. 22 Q. Is that a "yes"? Okay. I forgot to 23 tell you -- 24 A. Sorry. Yes. 25 Q. -- you've got to say audible.</p>

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<p style="text-align: right;">Page 26</p> <p>1 And you get up to the scene, and you 2 parked? 3 A. Yes. 4 Q. How far you were you from Officer Lopera 5 and Mr. Ford [sic] when you parked your vehicle? 6 A. This is going to be an estimate. 30 to 7 50 feet -- 8 Q. Okay. 9 A. -- when I parked. 10 Q. Could you see any activity by 11 Officer Lopera prior to you parking, simply as 12 you're driving up? 13 A. As I'm driving up, all I can see, 14 Officer Lopera has his back to me. I can see that 15 the back of his thighs and his buttocks are wet. 16 And -- one thing that went through my mind was, 17 did he, like -- did he urinate on himself or 18 defecate himself. But it was just his back to me; 19 I couldn't see what exactly was occurring. 20 Q. Sure. Could you see Mr. Farmer as you 21 drove up? 22 A. I could see a person. 23 Q. Okay. Could you see what Mr. Farmer was 24 doing, if anything? 25 A. No.</p>	<p style="text-align: right;">Page 28</p> <p>1 on your reading skills, so I brought it. 2 BY MR. SAYRE: 3 Q. All right. Could you turn over, please, 4 to page 3 of 8. It's at the bottom. Just keep 5 turning from there. You'll see 3 of 8. Okay. 6 Now, if you notice, it starts, "The 7 camera was activated." It starts at 00 at the top 8 of the page. 9 You see that? Is that a "yes"? 10 A. Yes. 11 Q. Okay. Now, would you turn over, please, 12 to page 5 of 8. And it says -- 13 THE WITNESS: I apologize. I'm going to 14 get some Kleenex. 15 MR. SAYRE: Go right ahead. Sure. 16 THE VIDEOGRAPHER: Watch your 17 microphone. 18 MR. SAYRE: Yeah. There's -- 19 THE REPORTER: Microphone. 20 THE WITNESS: Oh. 21 MR. SAYRE: Take your time. Okay. 22 Ready? 23 THE WITNESS: Yes. 24 BY MR. SAYRE: 25 Q. All right. Looking at page 5 of 8,</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Could you see what Officer Lopera was 2 doing, if anything, as you drove up? 3 A. No. 4 Q. All right. After you parked, could you 5 see anything that Officer Lopera was doing? 6 A. After I parked, I didn't really look 7 again until I'm getting out -- getting around my 8 door, and Lopera is going into a neck restraint. 9 Q. Okay. Now, did you see Officer Lopera 10 strike Mr. Farmer with his fist? 11 A. No, I never did. 12 Q. Did you see Officer Lopera tase 13 Mr. Farmer? 14 A. No. 15 Q. So when you came up, was his taser, his 16 ECD, already holstered? 17 A. I don't remember. 18 Q. At least it wasn't being used? 19 A. Yeah, it wasn't. 20 Q. All right. 21 A. Correct. 22 Q. Okay. All right. I'm going to give you 23 a copy of the police report. 24 MR. SAYRE: And I have one for each of 25 you gentlemen. I know, Craig, you've been working</p>	<p style="text-align: right;">Page 29</p> <p>1 please look at the notation 2:58. And that is two 2 minutes and 58 seconds since the activation of the 3 body camera. Okay? 4 A. Okay. 5 Q. All right. Now, it says, 6 "Officer Lopera appeared to put Farmer in some 7 type of neck restraint." 8 You saw that? 9 A. Yes. 10 Q. Okay. How far away were you from them 11 when you saw him apply the neck restraint? 12 A. I mean, I was closing the distance 13 between my car and them, so 20 feet. 14 Q. Okay. Was there anyone else next to 15 them or close by them? 16 A. There were two Venetian security 17 officers somewhere nearby, but they kind of 18 vacated as I walked up. 19 Q. Okay. Did you see either one of the 20 Venetian security officers with ahold of 21 Mr. Farmer, grabbing Mr. Farmer, or in touch with 22 Mr. Farmer? 23 A. Not that I remember. 24 Q. All right. So they sort of parted away 25 as you approached?</p>

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<p style="text-align: right;">Page 30</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Were there any other police</p> <p>3 officers present besides Officer Lopera as you</p> <p>4 approached?</p> <p>5 A. No.</p> <p>6 Q. Now, you've been trained in the</p> <p>7 application of the lateral vascular neck</p> <p>8 restraint; correct?</p> <p>9 A. Yes.</p> <p>10 Q. Could you tell if Officer Lopera had</p> <p>11 applied a lateral vascular neck restraint?</p> <p>12 A. No.</p> <p>13 Q. Okay. You could not tell or he hadn't?</p> <p>14 A. I wouldn't --</p> <p>15 Q. Let me ask a better question.</p> <p>16 A. Okay.</p> <p>17 Q. Start again.</p> <p>18 Tell me how you would -- how you'd been</p> <p>19 trained to apply a lateral vascular neck</p> <p>20 restraint.</p> <p>21 A. So you have a front encircling arm, and</p> <p>22 the elbow should be in line with the subject's</p> <p>23 chin. That arm is going to be used to accomplish</p> <p>24 the Valsalva maneuver, pushing down on the chest.</p> <p>25 And then you've got your hands clasped like so.</p>	<p style="text-align: right;">Page 32</p> <p>1 your gun up against the subject.</p> <p>2 Q. You don't want anybody to grab it.</p> <p>3 A. Okay.</p> <p>4 Q. Okay. So can you describe the -- the</p> <p>5 neck hold that you saw Officer Lopera applying?</p> <p>6 A. Since the direction I was approaching,</p> <p>7 their feet were towards me. They were on their</p> <p>8 backs, I could only see his front encircling arm.</p> <p>9 I couldn't see his back arm --</p> <p>10 Q. I understand.</p> <p>11 A. -- in the brief --</p> <p>12 Q. The front arm looked like the position</p> <p>13 it would be in if you were applying a lateral</p> <p>14 vascular neck restraint?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. And you couldn't tell whether it</p> <p>17 was any other kind of hold?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. So you assumed he was applying a</p> <p>20 lateral vascular neck restraint?</p> <p>21 A. Correct.</p> <p>22 Q. All right. Now, take a look at the --</p> <p>23 it's not a transcript exactly. What it is, it's</p> <p>24 an officer who watched the video, making notations</p> <p>25 at certain times. Okay?</p>
<p style="text-align: right;">Page 31</p> <p>1 And then the arm in the rear, when doing a</p> <p>2 standing LVNR, should be kicked out like so. And</p> <p>3 then there are different degrees of pressure or</p> <p>4 different degrees as you apply the technique.</p> <p>5 Q. And the arm is supposed to be up against</p> <p>6 the side of the neck? Is that the idea?</p> <p>7 A. The -- here?</p> <p>8 Q. That arm.</p> <p>9 A. Yes. Correct.</p> <p>10 Q. You're left-handed, I take it?</p> <p>11 A. I'm right-handed.</p> <p>12 Q. You're right-handed. Okay.</p> <p>13 A. Yeah.</p> <p>14 Q. So you apply it with the left arm?</p> <p>15 A. With the left.</p> <p>16 Q. Okay.</p> <p>17 A. Because you want your gun side generally</p> <p>18 away from the subject.</p> <p>19 Q. Okay. All right. You can apply it with</p> <p>20 either arm?</p> <p>21 A. You can, yes.</p> <p>22 Q. All right. Okay. So you do it with</p> <p>23 your left arm to keep your gun side available in</p> <p>24 case it's needed? Is that the idea?</p> <p>25 A. Just to keep it away. You don't want</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Yes.</p> <p>2 Q. All right. It says, at 3:01, three</p> <p>3 minutes and one second, "Officer Crumrine arrived</p> <p>4 and stated 'Put your fucking hands behind your</p> <p>5 back.'"</p> <p>6 Now, that's easy -- you can easily hear</p> <p>7 that on the tape; correct?</p> <p>8 A. Yes.</p> <p>9 Q. And you've seen the -- you've watched</p> <p>10 the tape?</p> <p>11 A. Yes.</p> <p>12 Q. All right. So you recall your -- you</p> <p>13 stating that, if you will?</p> <p>14 A. Yes.</p> <p>15 Q. All right. And was it within about</p> <p>16 three seconds of the time that Officer Lopera</p> <p>17 applied the neck restraint?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And besides making that</p> <p>20 statement, what else did you do, if anything?</p> <p>21 A. I made several other statements. This</p> <p>22 transcript or this timeline is wrong.</p> <p>23 Q. Well, we'll get to that.</p> <p>24 A. Okay.</p> <p>25 Q. Let's kind of just walk it through.</p>

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<p style="text-align: right;">Page 34</p> <p>1 A. Okay.</p> <p>2 Q. What's the next thing you did besides</p> <p>3 making the statement that we just talked about?</p> <p>4 What else did you do next?</p> <p>5 A. Chronologically, I'm not totally sure,</p> <p>6 but I grabbed Farmer's left wrist --</p> <p>7 Q. Okay.</p> <p>8 A. -- to put it in a -- to handcuff.</p> <p>9 Q. Right.</p> <p>10 A. He pulled it away.</p> <p>11 Q. Okay.</p> <p>12 A. Broke my grip. I grabbed it again. Got</p> <p>13 the handcuff on.</p> <p>14 Q. Okay.</p> <p>15 A. And then I was trying to get them to</p> <p>16 roll over to accomplish handcuffing.</p> <p>17 Q. Okay. Now, it says here in the -- it</p> <p>18 says at 3:13, "Officer Lopera asked, 'Is he out</p> <p>19 yet?'"</p> <p>20 Did you hear him say that?</p> <p>21 A. I don't remember hearing him say that.</p> <p>22 Q. It says, at 3:15, "Farmer gasps."</p> <p>23 Did you hear that?</p> <p>24 A. No.</p> <p>25 Q. Okay. At 3:18, it says, "Officer Lopera</p>	<p style="text-align: right;">Page 36</p> <p>1 neck restraint was applied. And it says that</p> <p>2 Officer Tran, which we now know is you, at 3:25,</p> <p>3 "Let him go, Ken."</p> <p>4 Now, can you estimate how much before</p> <p>5 that you first told Officer Lopera to let him go?</p> <p>6 A. I think, looking at this timeline and</p> <p>7 not having the video with me, that it's between</p> <p>8 the 3:01 and 3:13.</p> <p>9 Q. Okay. So between 3:01 and 3:13, you</p> <p>10 believe for the first time you said, "Let him go,</p> <p>11 Ken"?</p> <p>12 A. It was either "let go" or "let him go."</p> <p>13 Q. And did you say that because he was</p> <p>14 unconscious?</p> <p>15 A. No.</p> <p>16 Q. Why did you say that?</p> <p>17 A. I said that because I had that handcuff</p> <p>18 on finally, and it was time to accomplish</p> <p>19 handcuffing.</p> <p>20 Q. Okay. So it says here -- did you again</p> <p>21 say that within that period of time from 3:01 to</p> <p>22 3:13, or was the second time you said it at 3:25?</p> <p>23 A. The second time I said it was at 3:25.</p> <p>24 Q. All right. Okay. So you said, "Let him</p> <p>25 go, Ken."</p>
<p style="text-align: right;">Page 35</p> <p>1 asked, 'Is he out yet?'"</p> <p>2 Did you hear Officer Lopera say that?</p> <p>3 A. I don't remember.</p> <p>4 Q. At 3:19, it says, "Officer Lopera asked,</p> <p>5 'Is he out yet?'"</p> <p>6 Did you hear him say that?</p> <p>7 A. Not specifically.</p> <p>8 Q. Okay. Now, at 3:25, it says,</p> <p>9 "Officer Tran arrived and said, 'Let him go,</p> <p>10 Ken.'"</p> <p>11 Now, it's my understanding that</p> <p>12 Officer Tran didn't say that. You did.</p> <p>13 A. Correct.</p> <p>14 Q. All right. Did Officer Tran arrive at</p> <p>15 that point in time?</p> <p>16 A. I don't believe so.</p> <p>17 Q. Okay. And -- but you did say at that</p> <p>18 point, approximately, "Let him go, Ken"?</p> <p>19 A. I actually said, "Let him go," I</p> <p>20 believe, before the -- I'd have to watch the</p> <p>21 video --</p> <p>22 Q. Okay.</p> <p>23 A. -- but I say "let him go" twice.</p> <p>24 Q. Okay. Can you estimate -- now, looking</p> <p>25 at the time, it's 2:58 is when the -- it says the</p>	<p style="text-align: right;">Page 37</p> <p>1 Now, at that point, could you tell that</p> <p>2 Mr. Farmer was unconscious?</p> <p>3 A. No.</p> <p>4 Q. Okay. Did you ever notice that</p> <p>5 Mr. Farmer had become unconscious?</p> <p>6 A. When we had finally gotten two sets of</p> <p>7 handcuffs on Farmer and rolled him back over face</p> <p>8 up, it was clear that he was unconscious. That</p> <p>9 was the first time it was clear to me.</p> <p>10 Q. All right. So let's go through this.</p> <p>11 All right. At 3:26, it says,</p> <p>12 "Officer Lopera asked, 'Are you sure?'"</p> <p>13 And it has Officer Tran replying,</p> <p>14 "Yeah."</p> <p>15 Was that actually you?</p> <p>16 A. That was me.</p> <p>17 Q. Okay. And you did -- he did say that?</p> <p>18 A. Yes.</p> <p>19 Q. And you did say, "Yeah"?</p> <p>20 A. Correct.</p> <p>21 Q. All right. All right. It's -- then</p> <p>22 Officer Lopera, it says, stated, "Roll him to --</p> <p>23 hold on." And then it says, "'Don't grab my</p> <p>24 fucking legs.' Officer Tran stated, 'We're on top</p> <p>25 of him.'"</p>

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<p style="text-align: right;">Page 38</p> <p>1 Now, was that stated by Officer Tran?</p> <p>2 A. I'm not sure.</p> <p>3 Q. Okay. What -- did Lopera state, "Roll</p> <p>4 him to" -- did he state that?</p> <p>5 A. I think he said, "Stop." I believe he</p> <p>6 yelled "Stop," twice, and then he said, "Don't</p> <p>7 grab my fucking legs."</p> <p>8 Q. Okay. You're talking about around that</p> <p>9 time he said, "Stop"?</p> <p>10 A. Yes.</p> <p>11 Q. And was he addressing Mr. Farmer?</p> <p>12 A. No. He was addressing us.</p> <p>13 Q. Okay. "Us" being you and whom?</p> <p>14 A. Myself, Tran, and Flores.</p> <p>15 Q. Okay. So by that time, Tran and Flores</p> <p>16 had arrived?</p> <p>17 A. Yes.</p> <p>18 Q. And they were assisting with rolling him</p> <p>19 over?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Okay. Now, why was -- do you --</p> <p>22 if you know, why was he yelling "Stop"?</p> <p>23 A. Well, he's in a back-lying neck</p> <p>24 restraint. And when you do a back-lying neck</p> <p>25 restraint, your legs are wrapped around the</p>	<p style="text-align: right;">Page 40</p> <p>1 placed the palm of his hand on Farmer's forehead."</p> <p>2 Do you remember that occurring?</p> <p>3 A. No.</p> <p>4 Q. Why would he do that, if you know?</p> <p>5 A. You want a guess or --</p> <p>6 Q. No, I don't. But I want to know if</p> <p>7 you -- if you have any knowledge from your</p> <p>8 knowledge, training, and experience why he would</p> <p>9 do that.</p> <p>10 A. No.</p> <p>11 Q. Was he trying to determine whether</p> <p>12 Farmer was conscious or unconscious?</p> <p>13 A. That wouldn't be what I would do to</p> <p>14 determine if he was conscious.</p> <p>15 Q. Okay. You said, "Do you want a guess?"</p> <p>16 I'm going to ask you what it -- what was your</p> <p>17 thought that caused you to -- to ask me that</p> <p>18 question.</p> <p>19 A. Well, the way I was trained with LVNR,</p> <p>20 if -- now, the timeline here, getting proper head</p> <p>21 placement, if you don't have the person's chin</p> <p>22 lined up right in the elbow, then -- it wouldn't</p> <p>23 be so much with forehead, but you would maybe take</p> <p>24 the back of their head and move it into the</p> <p>25 correct position to get the right -- the right</p>
<p style="text-align: right;">Page 39</p> <p>1 subject. And they were having this tendency to</p> <p>2 roll towards -- if you look on the video, there's,</p> <p>3 like, a little jersey wall, a little short</p> <p>4 concrete well. And they were just gravitating</p> <p>5 toward that wall, and we were just trying to get</p> <p>6 them untangled. And I think he was trying to not</p> <p>7 hurt himself rolling over.</p> <p>8 Q. Now, it says, "Officer Lopera said,</p> <p>9 'Don't grab my fucking legs.'"</p> <p>10 Was he addressing you, Officer Tran, and</p> <p>11 Officer Flores?</p> <p>12 A. Yes.</p> <p>13 Q. And, again, do you know why?</p> <p>14 A. Not specifically. I'm just assuming it</p> <p>15 was because he didn't want to get hurt rolling</p> <p>16 over.</p> <p>17 Q. Uh-huh. Okay. Then it says, at 3:30,</p> <p>18 "Officer Lopera stated, 'Roll him to the other</p> <p>19 side. Get the other arm, too.'"</p> <p>20 Do you remember him saying that?</p> <p>21 A. Not really.</p> <p>22 Q. Does that indicate that it was the</p> <p>23 process of handcuffing him?</p> <p>24 A. Yes.</p> <p>25 Q. All right. It says, at 3:36, "Lopera</p>	<p style="text-align: right;">Page 41</p> <p>1 position.</p> <p>2 Q. So --</p> <p>3 A. That was a thought.</p> <p>4 Q. -- if you were trying to position him</p> <p>5 into a properly applied LVNR, you might use your</p> <p>6 palm of your hand, but in the back of the head?</p> <p>7 A. Yeah.</p> <p>8 Q. Back or top of the head?</p> <p>9 A. Yeah.</p> <p>10 Q. But not necessarily the front of the</p> <p>11 head?</p> <p>12 A. Not necessarily.</p> <p>13 Q. So you really don't know why he would</p> <p>14 have placed --</p> <p>15 A. I really don't know.</p> <p>16 Q. -- his hand.</p> <p>17 Okay. Do you know -- now, as this is</p> <p>18 going on, when Lopera says, "Roll him to the other</p> <p>19 side. Get the other arm, too," is he --</p> <p>20 Mr. Farmer rolled onto his stomach?</p> <p>21 A. At this point, Mr. Farmer is still on</p> <p>22 his back, on top of Lopera.</p> <p>23 Q. Okay. I'm sorry. He's -- Farmer is on</p> <p>24 his back, on top of Lopera, who is face up?</p> <p>25 A. Correct.</p>



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<p style="text-align: right;">Page 42</p> <p>1 Q. So Lopera is behind him, with the hold?</p> <p>2 A. Correct.</p> <p>3 Q. Farmer is in front of Lopera and would</p> <p>4 have been visible to you in the -- as you looked</p> <p>5 down; correct?</p> <p>6 A. Which part?</p> <p>7 Q. If Lopera is on his back and has his</p> <p>8 hold around Farmer, who's face up, you can see</p> <p>9 Farmer; correct?</p> <p>10 A. Well, there -- I can see parts of him,</p> <p>11 yes.</p> <p>12 Q. Okay. What parts of him can you see?</p> <p>13 A. Mostly focused on his arms at this</p> <p>14 point.</p> <p>15 Q. Yeah. Well, can you see if he's</p> <p>16 unconscious or not?</p> <p>17 A. No. I wasn't -- I wasn't -- how do I</p> <p>18 explain? I wasn't really busying myself with</p> <p>19 whether or not he was conscious. I was trying to</p> <p>20 get them rolled over so we could get him in</p> <p>21 handcuffs.</p> <p>22 Does that make sense?</p> <p>23 Q. All right. Now, you were the sergeant</p> <p>24 in charge of Lopera; correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. All right. So you expected him to let</p> <p>2 go of the lateral carotid neck restraint no later</p> <p>3 than 3:26?</p> <p>4 A. Yes.</p> <p>5 Q. All right. So is it my understanding</p> <p>6 you did not thereafter check to see if he had let</p> <p>7 go?</p> <p>8 A. Well, he did let go.</p> <p>9 Q. Well, yeah, but he didn't let go until</p> <p>10 4:11.</p> <p>11 A. If we are talking about when he finally</p> <p>12 completely takes his arm away from the subject,</p> <p>13 yes.</p> <p>14 Q. Well, okay. Let's -- let's put it this</p> <p>15 way: From 3:26 to 4:11, a period of 40 -- 45</p> <p>16 seconds, did you check during that period of time</p> <p>17 to see if Officer Lopera had let go or released</p> <p>18 the lateral vascular neck restraint?</p> <p>19 A. I did not physically check. I would not</p> <p>20 expect my officer, who is in a back-lying position</p> <p>21 with a subject on top of him, to just completely</p> <p>22 put his arms out to the sides. He needs to still</p> <p>23 maintain some control of a person who is on top of</p> <p>24 him.</p> <p>25 So I had expected that he had relaxed</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. And one of the things that you're</p> <p>2 supposed to do is you're supposed to advise and</p> <p>3 counsel people under your supervision and control;</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. And one of the things that the</p> <p>7 Metropolitan Police Department teaches is that a</p> <p>8 correctly applied carotid hold or lateral vascular</p> <p>9 neck restraint should make a person unconscious in</p> <p>10 about 7 to 14 seconds; is that correct?</p> <p>11 A. Correct.</p> <p>12 Q. All right. So by this time, at 3:30,</p> <p>13 the hold has now been on for over 30 seconds.</p> <p>14 A. Okay.</p> <p>15 Q. Shouldn't you be checking, as the</p> <p>16 superior officer on the scene, to determine if the</p> <p>17 person is unconscious or not?</p> <p>18 A. Well, I -- on this -- if we're going by</p> <p>19 this timeline, at 3:26, I have confirmed with him</p> <p>20 for the second time that I want him to let go.</p> <p>21 Q. Okay.</p> <p>22 A. So I'm assuming that he's followed that.</p> <p>23 Q. Okay. You assumed he's followed that?</p> <p>24 A. Until we get him into handcuffs, and</p> <p>25 then I can check, which I do.</p>	<p style="text-align: right;">Page 45</p> <p>1 the hold, but he still needs to hold onto that</p> <p>2 person until we get that person rolled over and</p> <p>3 released there to get those handcuffs together.</p> <p>4 Does that make sense?</p> <p>5 Q. No, not really. Let me ask you a little</p> <p>6 bit further.</p> <p>7 When you told him at 3:25, and again at</p> <p>8 3:26, to "let him go," you were telling him to</p> <p>9 let -- to release the lateral vascular neck</p> <p>10 restraint or whatever neck restraint that he had</p> <p>11 on him?</p> <p>12 A. Yes.</p> <p>13 Q. Did you check at any time prior to 4:11</p> <p>14 to see if he had released the lateral vascular</p> <p>15 neck restraint or whatever restraint that he had</p> <p>16 on the neck?</p> <p>17 A. I didn't really have the opportunity to</p> <p>18 check, so, no.</p> <p>19 Q. You didn't look? You didn't look?</p> <p>20 A. No. I was maintaining control of</p> <p>21 Farmer's arm.</p> <p>22 Q. Okay. Now, you had three -- three</p> <p>23 officers that were trying to maintain control of</p> <p>24 Farmer's arm: Officer Tran, Officer Flores, and</p> <p>25 yourself.</p>

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<p style="text-align: right;">Page 46</p> <p>1 A. Yes.</p> <p>2 Q. And within that period of time, from</p> <p>3 3:26 to 4:11, you never looked to see if Lopera</p> <p>4 had released the hold; correct?</p> <p>5 A. Correct.</p> <p>6 Q. All right. At 3:38, it says, "Lopera</p> <p>7 asked, 'You got the other one?'"</p> <p>8 I assume that means the other arm?</p> <p>9 A. I assume so.</p> <p>10 Q. Was -- was he talking to you or one of</p> <p>11 the other officers? Do you know?</p> <p>12 A. I don't know.</p> <p>13 Q. Did you hear him say that?</p> <p>14 A. I don't remember.</p> <p>15 Q. Okay. At 3:50, "Farmer gasps."</p> <p>16 Did you hear that?</p> <p>17 A. I don't remember.</p> <p>18 Q. And then at 4:11, "Officer Lopera</p> <p>19 released the hold on Farmer."</p> <p>20 Did you see him release the hold on</p> <p>21 Farmer?</p> <p>22 A. Yes.</p> <p>23 Q. So you were looking at that time?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Is that the first time that you</p>	<p style="text-align: right;">Page 48</p> <p>1 important for you to watch and make sure --</p> <p>2 A. Yes.</p> <p>3 Q. -- that the officers were checking to</p> <p>4 see if he was breathing?</p> <p>5 A. Yes.</p> <p>6 Q. And would it be important at all times</p> <p>7 for you to make sure that Mr. Farmer was</p> <p>8 breathing?</p> <p>9 A. Yes.</p> <p>10 Q. And you would be an appropriate person</p> <p>11 to supervise that because you were the sergeant</p> <p>12 that was in charge of Officer Lopera,</p> <p>13 Officer Tran, and Officer Flores that night?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And it was your responsibility to make</p> <p>16 sure that those officers performed within the</p> <p>17 policies of the Metropolitan Police Department?</p> <p>18 A. Yes.</p> <p>19 Q. And, among other things, it would be</p> <p>20 your responsibility to make sure that</p> <p>21 Officer Lopera did not choke Mr. Farmer to death?</p> <p>22 MR. ANDERSON: Objection. Form.</p> <p>23 BY MR. SAYRE:</p> <p>24 Q. Is that true?</p> <p>25 MR. ANDERSON: You can answer.</p>
<p style="text-align: right;">Page 47</p> <p>1 had looked to see that he had released the hold</p> <p>2 since you told him last to release the hold at</p> <p>3 3:26?</p> <p>4 A. Yes.</p> <p>5 Q. All right. Now, at 5:03, if you</p> <p>6 continue down to the last entry, it says you</p> <p>7 approach Officer Lopera.</p> <p>8 What does that mean?</p> <p>9 A. I walked up to him. He was standing at</p> <p>10 the side of the scene.</p> <p>11 Q. Okay. So by this point, he doesn't have</p> <p>12 ahold of Mr. Farmer?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. What's he doing?</p> <p>15 A. He's standing there, catching his</p> <p>16 breath, checking his equipment.</p> <p>17 Q. Did you ever see Lopera check to see if</p> <p>18 Mr. Farmer had a pulse?</p> <p>19 A. No. Other officers were attending to</p> <p>20 Mr. Farmer.</p> <p>21 Q. How do you know that?</p> <p>22 A. Because I was standing over them.</p> <p>23 Q. You watched them?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And that would have been</p>	<p style="text-align: right;">Page 49</p> <p>1 THE WITNESS: I'm sorry. Can you</p> <p>2 restate the question.</p> <p>3 BY MR. SAYRE:</p> <p>4 Q. Sure.</p> <p>5 Among other things, it would be your</p> <p>6 responsibility to make sure that Officer Lopera</p> <p>7 did not choke Mr. Farmer to death?</p> <p>8 A. Yes.</p> <p>9 MR. ANDERSON: Same objection.</p> <p>10 Go ahead.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. SAYRE:</p> <p>13 Q. Okay. Now, you're no longer a sergeant?</p> <p>14 A. Correct.</p> <p>15 Q. That means you've been demoted?</p> <p>16 A. I was non-confirmed from my probationary</p> <p>17 status as a sergeant.</p> <p>18 Q. Okay. Tell me about that, please.</p> <p>19 A. The department sustained me for my --</p> <p>20 for -- the policy violations were major incident</p> <p>21 and all hazard plan and body-worn camera. They</p> <p>22 sustained me for those. And the Sheriff</p> <p>23 non-confirmed my appointment to sergeant.</p> <p>24 Q. Okay. Let's -- let's kind of go through</p> <p>25 these one by one. Okay?</p>



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<p style="text-align: right;">Page 50</p> <p>1 A. Okay.</p> <p>2 Q. All right. What were you accused of</p> <p>3 doing?</p> <p>4 A. I was accused of not intervening on a</p> <p>5 use of force.</p> <p>6 Q. Okay. Let's stop there for a minute.</p> <p>7 A. Okay.</p> <p>8 Q. Now, the Metropolitan Police Department</p> <p>9 teaches, instructs its officers, that if they see</p> <p>10 a fellow officer engaged in excessive force, that</p> <p>11 they have a responsibility to intervene; correct?</p> <p>12 A. Correct.</p> <p>13 Q. Is that what they were accusing you of?</p> <p>14 A. Correct.</p> <p>15 Q. That they were saying that</p> <p>16 Officer Lopera was engaged in excessive force, and</p> <p>17 you, as his commanding officer, failed to</p> <p>18 intervene?</p> <p>19 A. Correct.</p> <p>20 Q. And the excessive force was the</p> <p>21 excessive application of a neck restraint hold?</p> <p>22 A. Yes.</p> <p>23 Q. Did they say that you should have done</p> <p>24 something after you told Officer Lopera to "Let</p> <p>25 him go, Ken," to have made sure that</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Okay. Tell me about that.</p> <p>2 A. I just explained that due to the fact</p> <p>3 that didn't -- I had zero information as to what</p> <p>4 crime had occurred, that the force that I observed</p> <p>5 being used was not clearly beyond objectively</p> <p>6 reasonable for the circumstances because I had</p> <p>7 zero information on those circumstances.</p> <p>8 Q. What force did you see being observed</p> <p>9 that you thought was objectively reasonable?</p> <p>10 MR. ANDERSON: Objection. Form.</p> <p>11 Go ahead.</p> <p>12 THE WITNESS: The neck restraint.</p> <p>13 BY MR. SAYRE:</p> <p>14 Q. And what did you believe permitted</p> <p>15 Officer Lopera to utilize the neck restraint?</p> <p>16 A. I trust my officer, that if he's using</p> <p>17 force, that I have zero information or zero time</p> <p>18 to address with him what cause he has to use that</p> <p>19 force, I have to trust that he's using that force</p> <p>20 lawfully in the moment.</p> <p>21 Q. Okay. The -- what type of crime would</p> <p>22 Mr. Farmer have had to have committed in order to</p> <p>23 have allowed Officer Lopera to use a neck</p> <p>24 restraint on him? Or let me put it this way. Let</p> <p>25 me re-ask the question.</p>
<p style="text-align: right;">Page 51</p> <p>1 Officer Lopera released the neck restraint that he</p> <p>2 had on Mr. Farmer?</p> <p>3 A. You might have to restate the question.</p> <p>4 Are you saying initially did they say</p> <p>5 that? Because it was ultimately overturned.</p> <p>6 Q. Okay. Well, let's go one by one.</p> <p>7 A. Okay.</p> <p>8 Q. You were charged with failing to -- or</p> <p>9 not intervening regarding a use of force?</p> <p>10 A. Yes.</p> <p>11 Q. And the use of force was the excessive</p> <p>12 application of a neck restraint hold?</p> <p>13 A. Yes.</p> <p>14 Q. All right. So that was the accusation</p> <p>15 that was made against you.</p> <p>16 Was a board of rights conducted? Is</p> <p>17 that what happened?</p> <p>18 A. Review board, yes.</p> <p>19 Q. Review board. Okay.</p> <p>20 And were you represented by counsel at</p> <p>21 that?</p> <p>22 A. Yes.</p> <p>23 Q. So are you saying that they did not find</p> <p>24 that ultimately was correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 53</p> <p>1 What level of force would Mr. Farmer</p> <p>2 have had to have exhibited in order to allow</p> <p>3 Officer Lopera to use the lateral vascular neck</p> <p>4 restraint on him?</p> <p>5 A. At that time, under that current use of</p> <p>6 force policy, I believe he would have had to have</p> <p>7 been in active level of resistance to go into</p> <p>8 level 1 with LVNR. Without -- without referencing</p> <p>9 it right at the moment.</p> <p>10 Q. All right. Now, could you tell whether</p> <p>11 or not Officer Lopera was using level 1 lateral</p> <p>12 vascular neck restraint?</p> <p>13 A. No.</p> <p>14 Q. Had you can you determine whether an</p> <p>15 officer is using level 1, level 2, or level 3?</p> <p>16 A. I mean, other than sticking your hand in</p> <p>17 between their arm and the person's neck or</p> <p>18 verbally confirming with them what level they're</p> <p>19 in.</p> <p>20 It's especially hard in a back-lying</p> <p>21 LVNR because you have to put your back -- the rear</p> <p>22 arm behind the person so you don't see those</p> <p>23 levels of angles to show you what level or how</p> <p>24 much pressure they're putting on.</p> <p>25 Q. You -- you raised your -- or sort of</p>

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<p style="text-align: right;">Page 54</p> <p>1 cocked your elbow; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And that's one of the ways that you can</p> <p>4 determine that a different level of LVNR is being</p> <p>5 used; correct?</p> <p>6 A. Yes.</p> <p>7 Q. All right. So tell me about how do you</p> <p>8 determine by looking at some -- an officer's</p> <p>9 elbow, whether a first or second or third level of</p> <p>10 LVNR is being utilized?</p> <p>11 A. I mean, it was going to be different</p> <p>12 probably for the stature of the officer, the</p> <p>13 height of the subject. But just as their elbow</p> <p>14 goes up, then the front elbow is going to go down,</p> <p>15 and the more pressure is being applied.</p> <p>16 Q. Right. But at what degree does it go</p> <p>17 from 1 to 2?</p> <p>18 A. Oh, it was, like, 0, 20 and 45, I think.</p> <p>19 Q. Okay. All right. And you couldn't</p> <p>20 determine what level the elbow was by looking?</p> <p>21 A. No. Because when you're in a</p> <p>22 back-lying -- I mean, number one, I'm facing the</p> <p>23 wrong direction because I'm looking at him, facing</p> <p>24 him, so I can't even see his back arm really.</p> <p>25 And in a back-lying, you don't do that.</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Correct.</p> <p>2 Q. Right. So the only way that you could</p> <p>3 have known what level of LVNR he was utilizing was</p> <p>4 to ask him?</p> <p>5 A. Correct.</p> <p>6 Q. And you didn't ask him?</p> <p>7 A. Correct.</p> <p>8 Q. Why not?</p> <p>9 A. Because I already told him to let go.</p> <p>10 Q. Well, at any time did you believe that</p> <p>11 you had a responsibility, as his commanding</p> <p>12 officer in the chain of command, to determine what</p> <p>13 level of LVNR he was using?</p> <p>14 A. In the post-incident investigation, yes.</p> <p>15 Q. What does that mean?</p> <p>16 A. Well, this -- had this not had this</p> <p>17 outcome, I would have done a use of force</p> <p>18 investigation on the officer.</p> <p>19 Q. I'm sorry. You mean the person died?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. So tell me -- you would have done</p> <p>22 that after he died?</p> <p>23 A. No, sir. Had he not died, then I would</p> <p>24 have had conducted the investigation into his use</p> <p>25 of force.</p>
<p style="text-align: right;">Page 55</p> <p>1 You tuck the elbow underneath the person. That's</p> <p>2 the way I was trained.</p> <p>3 Q. So you expected that he would have the</p> <p>4 elbow tucked underneath the person?</p> <p>5 A. That's what I would have -- would have</p> <p>6 expected.</p> <p>7 Q. Now, everything I've seen talks about</p> <p>8 the elbow being cocked upwards for different</p> <p>9 levels of LVNR.</p> <p>10 A. In a standing LVNR, yes.</p> <p>11 Q. All right. So in a back LVNR, you would</p> <p>12 tuck it below --</p> <p>13 A. That's the way I was -- I was -- because</p> <p>14 when you go -- because you -- the way it's</p> <p>15 supposed to happen is you start from standing, you</p> <p>16 go down to kneeling, and then you go to</p> <p>17 back-lying.</p> <p>18 That's not the way it happened in this</p> <p>19 case. They were already on the ground. But as</p> <p>20 you go down, your -- to -- for the officer's own</p> <p>21 safety, so you don't hit your elbow on the ground,</p> <p>22 you tuck your elbow so your forearm is along the</p> <p>23 person's back.</p> <p>24 Q. Okay. And you -- you couldn't see his</p> <p>25 elbow, is that what you --</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Okay. So you -- you would not conduct</p> <p>2 an investigation of a use of force until after the</p> <p>3 events occurred?</p> <p>4 A. Correct.</p> <p>5 Q. So you would not in any way attempt to</p> <p>6 determine whether the officer was using level 1,</p> <p>7 level 2, or level 3 while he's actually applying</p> <p>8 the LVNR in your presence?</p> <p>9 A. In that moment, I've told him twice to</p> <p>10 let go. I haven't had an issue with this officer</p> <p>11 not following a command or an order or a direction</p> <p>12 in the past. He's always been very receptive to</p> <p>13 directions. So I assume that he had done what I</p> <p>14 had told -- I mean, this is a conversation here.</p> <p>15 When I say, "Let him go."</p> <p>16 He says, "Are you sure?"</p> <p>17 And I say, "Yeah." We just had a</p> <p>18 conversation. I confirmed -- he confirmed that he</p> <p>19 heard what I said and asked am I sure. I said,</p> <p>20 "Yeah." Confirm.</p> <p>21 Q. Okay.</p> <p>22 A. As far as I'm concerned, it's done.</p> <p>23 Q. So because you told him at 3:26 in</p> <p>24 response to his question, "Are you sure," you</p> <p>25 said, "Yeah," you assumed, therefore, he would</p>

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<p style="text-align: right;">Page 58</p> <p>1 release the hold?</p> <p>2 MR. McNUTT: Objection. Form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. SAYRE:</p> <p>5 Q. And you never did check to see if he had</p> <p>6 released the hold until he actually released the</p> <p>7 hold?</p> <p>8 A. Correct.</p> <p>9 Q. All right. Now, have you seen the</p> <p>10 video, the body camera video?</p> <p>11 A. Yes.</p> <p>12 Q. And have you noticed that he never</p> <p>13 released the hold --</p> <p>14 MR. McNUTT: Objection. Form.</p> <p>15 BY MR. SAYRE:</p> <p>16 Q. -- until 4:11?</p> <p>17 A. Correct.</p> <p>18 Q. So he violated your order?</p> <p>19 MR. McNUTT: Objection. Form.</p> <p>20 BY MR. SAYRE:</p> <p>21 Q. Correct?</p> <p>22 A. I have no idea.</p> <p>23 Q. Well, if you ordered him to release the</p> <p>24 hold, he didn't release it until 45 seconds later,</p> <p>25 isn't that a violation of your order?</p>	<p style="text-align: right;">Page 60</p> <p>1 looked and saw.</p> <p>2 Did you look and see between, 3:26 and</p> <p>3 4:11, whether he had relaxed the hold?</p> <p>4 A. No.</p> <p>5 MR. ANDERSON: Objection. Form.</p> <p>6 THE WITNESS: Sorry. No.</p> <p>7 BY MR. SAYRE:</p> <p>8 Q. You just assumed that he would relax the</p> <p>9 hold?</p> <p>10 A. Yes.</p> <p>11 Q. At the time that you told him to let go,</p> <p>12 at 3:26, could you tell whether or not Mr. Farmer</p> <p>13 was unconscious at that moment?</p> <p>14 A. It was my perception that he was still</p> <p>15 conscious.</p> <p>16 Q. Okay. And what was it about him that</p> <p>17 caused you to believe that he was still conscious?</p> <p>18 A. I was still holding onto his body, and</p> <p>19 to me it was not limp. It was -- he was still</p> <p>20 moving.</p> <p>21 Q. Okay. When did you let go of his body?</p> <p>22 A. I'm not sure.</p> <p>23 Q. Well, was it sometime within the 46</p> <p>24 seconds that Officer Lopera continued to have a</p> <p>25 neck restraint on him?</p>
<p style="text-align: right;">Page 59</p> <p>1 MR. McNUTT: Objection. Form.</p> <p>2 THE WITNESS: Well, like I explained</p> <p>3 before, what we're talking about is I don't --</p> <p>4 when I tell him to let go, I don't expect him to</p> <p>5 take his arm completely away from this person. I</p> <p>6 expect him to completely release his grip on this</p> <p>7 person's chest, neck, head.</p> <p>8 I don't expect him to go out -- to just</p> <p>9 put his arms out to the side with the person</p> <p>10 laying on top of him. He still needs to maintain</p> <p>11 some level of control. So it was my perception at</p> <p>12 that time that he had completely relaxed the hold.</p> <p>13 He can still hold onto the person until</p> <p>14 we roll him over to his stomach, and then he lets</p> <p>15 go. I would never expect him to let go, just lay</p> <p>16 there with a person on top of him.</p> <p>17 BY MR. SAYRE:</p> <p>18 Q. Did you have a perception, between 3:26</p> <p>19 and 4:11, that Officer Lopera had relaxed the</p> <p>20 hold?</p> <p>21 A. Yes.</p> <p>22 Q. And how did you arrive at that?</p> <p>23 A. Because we had that conversation.</p> <p>24 Q. Well, that's different than a</p> <p>25 perception. I mean, "perception" to me means you</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Without looking at the video, at</p> <p>2 sometime around 4:11.</p> <p>3 Q. Okay. And during the time, is it your</p> <p>4 testimony that Mr. Farmer never went unconscious</p> <p>5 while you were holding him?</p> <p>6 A. It was not -- well, I guess it was not</p> <p>7 clear to me that he was unconscious until we</p> <p>8 turned him back over, face up.</p> <p>9 Q. Okay. What was it that caused you to be</p> <p>10 clear -- have a clear understanding that he was</p> <p>11 unconscious?</p> <p>12 A. When we turned him back over face up,</p> <p>13 his eyes were closed, and I -- officers were still</p> <p>14 on the ground with him. While I was still on the</p> <p>15 ground, I requested medical. Stood up. Officers</p> <p>16 checked. Said he was breathing and had a pulse.</p> <p>17 Q. Well, was it the fact that his eyes were</p> <p>18 closed? Is that what caused you to believe that</p> <p>19 he was unconscious?</p> <p>20 A. Yes, sir. Initially.</p> <p>21 Q. All right. When was he placed with his</p> <p>22 face down? Because you said that you turned him</p> <p>23 back over face up. When he was he placed with</p> <p>24 face down?</p> <p>25 A. Right there where it says,</p>

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<p style="text-align: right;">Page 62</p> <p>1 "Officer Lopera released the hold," that's when 2 he's face down. 3 Q. No, no. I understand that. 4 How long before that was he placed face 5 down? 6 A. Not very long. 7 Q. Well, what does that mean? 8 A. I'm not sure. 9 Q. Well, estimate, please. 10 A. A few seconds. 11 Q. How many seconds? 12 A. I don't know. 13 Q. You have no estimate? Five? Ten? 14 A. Five or ten. 15 Q. Five or ten. 16 Okay. Who placed him over on his 17 stomach? 18 A. All of us, really. It was kind of a 19 team effort. Officer Lopera rolls. Officers 20 Tran, Flores and myself roll Farmer onto his 21 stomach. We used two sets of handcuffs to 22 handcuff him and then immediately roll him face 23 up. 24 Q. So he was face down as long as it took 25 you to put on two sets of handcuffs?</p>	<p style="text-align: right;">Page 64</p> <p>1 A. He was face up. 2 Q. Okay. And did you look to see if he was 3 unconscious at that time? 4 A. No, because he was pulling his arm away 5 from me, so... 6 Q. All right. And then the other handcuff, 7 do you know who attached that to the other arm? 8 A. No. 9 Q. All right. And then he was -- were both 10 handcuffs attached to both of his arms before he 11 was placed face down? 12 A. I'm not sure if the other one was. 13 Q. Okay. So he was placed face down. One 14 arm was pulled over to the back. The other arm 15 was pulled over next to it. And the two handcuffs 16 were cuffed together and attached? 17 A. Correct. 18 Q. Okay. And you believe that that took 19 five to ten seconds? 20 A. I believe so. 21 Q. Who was principally doing the 22 handcuffing? 23 A. Officers Flores and Tran. 24 Q. So is it fair to say during the time he 25 was being handcuffed, you don't know if he was --</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Yes, sir. 2 Q. By two sets, you mean a handcuff on each 3 wrist? Or actually -- 4 A. Two pairs of handcuffs joined in the 5 middle. 6 Q. Two pairs of handcuff. 7 Okay. And who -- whose handcuffs were 8 they, do you know? 9 A. One of them was mine. 10 Q. Okay. And the other one? 11 A. I'm not sure. 12 Q. Who actually attached the two cuffs 13 together? 14 A. I'm not sure. 15 Q. Okay. So was he struggling while you 16 attached the handcuffs? 17 A. I don't remember because I'm not sure I 18 attached them. 19 Q. Okay. Who attached -- your handcuff was 20 on which arm? 21 A. Left. 22 Q. And who attached it to the left arm? 23 A. Me. 24 Q. Okay. When you attached the left arm, 25 was he face up or face down?</p>	<p style="text-align: right;">Page 65</p> <p>1 there was any sign of resistance? 2 A. I don't know. 3 Q. And you don't know if there was any sign 4 of consciousness during that same period of time? 5 A. Correct. 6 Q. Okay. So going back to your situation, 7 originally you were charged with failing to 8 intervene; is that it? And what did they find 9 regarding that? 10 A. They overturned it. 11 Q. Who is "they"? 12 A. The review board. 13 Q. Do you know who that consisted of? 14 A. An assistant sheriff, a deputy chief, a 15 captain, a sergeant. I think that's it. 16 Q. Who is the deputy chief? 17 A. McGrath. 18 Q. The captain, assistant sheriff, and a 19 sergeant? 20 A. Yes. 21 MR. ANDERSON: Which McGrath? There's 22 three brothers. 23 THE WITNESS: Sorry. The one that's the 24 deputy chief. I believe it was Dan McGrath. 25</p>

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<p style="text-align: right;">Page 66</p> <p>1 BY MR. SAYRE:</p> <p>2 Q. Now, so somebody levied the charge at</p> <p>3 you initially.</p> <p>4 Was that internal affairs?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. It was our Critical Incident Review</p> <p>8 Team.</p> <p>9 Q. Do you know who the head of that was?</p> <p>10 A. Captain Kelly McMahonill.</p> <p>11 Q. Captain Kelly -- last name?</p> <p>12 A. McMahonill. M-C-M-A-H-I-L-L.</p> <p>13 Q. Did he -- did Captain McMahonill testify</p> <p>14 at the proceeding?</p> <p>15 A. No.</p> <p>16 Q. Okay. Did he have a report?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And did you testify at the</p> <p>19 proceeding?</p> <p>20 A. Yes.</p> <p>21 Q. Did anyone else?</p> <p>22 A. Yes.</p> <p>23 Q. Who else testified?</p> <p>24 A. Tran. Flores.</p> <p>25 Q. Were they charged also?</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. And was -- that was sustained?</p> <p>2 A. Yes.</p> <p>3 Q. And other charges?</p> <p>4 A. And body-worn camera.</p> <p>5 Q. And was that sustained?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So what happened is because you</p> <p>8 were still in a probationary period as a sergeant,</p> <p>9 they basically terminated the probation and left</p> <p>10 you as a patrolman, is that it?</p> <p>11 A. Correct.</p> <p>12 Q. Was that -- did you consider that a</p> <p>13 demotion?</p> <p>14 A. Yes.</p> <p>15 Q. To your observation, at any time did</p> <p>16 Officer Tran attempt to intervene to get</p> <p>17 Officer Lopera to remove his hands from the neck</p> <p>18 of Mr. Farmer?</p> <p>19 MR. ANDERSON: Objection. Form.</p> <p>20 THE WITNESS: No, I didn't observe</p> <p>21 anything.</p> <p>22 BY MR. SAYRE:</p> <p>23 Q. To your observation, at any time did</p> <p>24 Officer Flores attempt to intervene to remove</p> <p>25 Officer Lopera's hands from the neck of</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Yeah. Not with that, no.</p> <p>2 Q. No. What were they charged with?</p> <p>3 A. Failure to activate their body-worn</p> <p>4 cameras.</p> <p>5 Q. Were they found -- was that sustained?</p> <p>6 A. Yes.</p> <p>7 Q. Was that the only charge against them?</p> <p>8 A. I believe so.</p> <p>9 Q. What other charges were levied against</p> <p>10 you besides that one?</p> <p>11 A. Major incident and all hazard plan,</p> <p>12 sometimes more commonly known as ICS or incident</p> <p>13 command system.</p> <p>14 Q. What does that mean?</p> <p>15 A. Basically means taking control of the</p> <p>16 incident after the fact, the aftermath. Setting</p> <p>17 up a command post and a staging area and briefing</p> <p>18 for detectives, traffic plan, perimeter.</p> <p>19 Q. That's after the incident?</p> <p>20 A. Correct.</p> <p>21 Q. Did it have anything to do with your</p> <p>22 performance during the incident?</p> <p>23 A. Correct.</p> <p>24 Q. Did not or did?</p> <p>25 A. It did not.</p>	<p style="text-align: right;">Page 69</p> <p>1 Mr. Farmer?</p> <p>2 A. No.</p> <p>3 Q. At any time after you told</p> <p>4 Officer Lopera to let him go, did you ever think</p> <p>5 of intervening to stop him from applying pressure</p> <p>6 to the throat of Mr. Farmer?</p> <p>7 A. No.</p> <p>8 MR. McNUTT: Objection. Form.</p> <p>9 THE WITNESS: Sorry.</p> <p>10 MR. ANDERSON: Go ahead.</p> <p>11 THE WITNESS: No.</p> <p>12 Sorry. I have to blow my nose again.</p> <p>13 MR. SAYRE: You want to take a break?</p> <p>14 THE WITNESS: No. I just have to blow</p> <p>15 my nose.</p> <p>16 MR. McNUTT: Is my color better?</p> <p>17 MR. SAYRE: You still look a little bit</p> <p>18 flushed.</p> <p>19 MR. ANDERSON: You should get checked.</p> <p>20 MR. SAYRE: Somebody should check your</p> <p>21 oil.</p> <p>22 MR. McNUTT: Must be --</p> <p>23 MR. SAYRE: I just had my oil changed.</p> <p>24 MR. McNUTT: Must be that L.A. -- L.A.</p> <p>25 lawyer issue I have.</p>



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<p style="text-align: right;">Page 70</p> <p>1 MR. SAYRE: Yeah. Well, unfortunately,</p> <p>2 it's not me because I'm not an L.A. lawyer. I'm</p> <p>3 an Orange County lawyer. I just try cases in L.A.</p> <p>4 Q. All right. So what I'd like to do now</p> <p>5 is show you the film, the body camera film, which</p> <p>6 has actually been sync'd with the Venetian film.</p> <p>7 Have you seen the Venetian film?</p> <p>8 A. Yes.</p> <p>9 Q. Have you seen them together?</p> <p>10 A. I think so. I'm not sure.</p> <p>11 Q. Okay. We're going to show you that in a</p> <p>12 second.</p> <p>13 I'm going to go stand behind you.</p> <p>14 A. Okay.</p> <p>15 Q. I don't mean anything by it. Don't</p> <p>16 worry about it. My voyeur days are long over.</p> <p>17 MR. McNUTT: Are you going to attempt an</p> <p>18 LVNR?</p> <p>19 MR. SAYRE: No. No. I'd screw it up,</p> <p>20 to be sure. I was a Marine a lifetime ago.</p> <p>21 THE VIDEOGRAPHER: Angle okay?</p> <p>22 BY MR. SAYRE:</p> <p>23 Q. Now, what I'm going to ask you to do is</p> <p>24 see if you can indicate when you first arrived at</p> <p>25 the scene by looking at the tape. Okay?</p>	<p style="text-align: right;">Page 72</p> <p>1 (Whereupon, the videotape was ended.)</p> <p>2 BY MR. SAYRE:</p> <p>3 Q. Okay. Now, you've looked at the video</p> <p>4 more than one time?</p> <p>5 A. Yes.</p> <p>6 Q. All right. Have you, at any time in</p> <p>7 looking at the body camera video, seen Mr. Farmer</p> <p>8 actively resisting?</p> <p>9 A. No.</p> <p>10 Q. Such that it would justify him being</p> <p>11 tased?</p> <p>12 A. No.</p> <p>13 Q. Such that it would justify him being hit</p> <p>14 on the head 10 to 12 times?</p> <p>15 MR. McNUTT: Objection. Form.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MR. SAYRE:</p> <p>18 Q. Such that it would justify a lateral</p> <p>19 vascular neck restraint?</p> <p>20 A. No.</p> <p>21 Q. Now, in looking at this -- I call it a</p> <p>22 transcript, it's not really, but you know what I</p> <p>23 mean -- he says that -- well, "Lopera says he</p> <p>24 attempted to gain access into the bed of a truck."</p> <p>25 Did you at some point learn whether or</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Okay.</p> <p>2 (Whereupon, the videotape was played for</p> <p>3 the witness.)</p> <p>4 THE WITNESS: So this is me.</p> <p>5 BY MR. SAYRE:</p> <p>6 Q. Okay. With the light?</p> <p>7 A. Yep.</p> <p>8 Q. All right.</p> <p>9 A. And I'm out.</p> <p>10 Q. And that's you speaking?</p> <p>11 A. Yes.</p> <p>12 Q. That's you holding his legs?</p> <p>13 A. I'm holding his arm.</p> <p>14 Q. Arm? Okay. That was you?</p> <p>15 A. Yes.</p> <p>16 Q. Tran and Flores are there now?</p> <p>17 A. Yes.</p> <p>18 Q. Now, at that point he's released, huh?</p> <p>19 A. Yes.</p> <p>20 Q. And you -- you'll come up in just a</p> <p>21 minute.</p> <p>22 That's you coming up?</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember wearing glasses?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 73</p> <p>1 not he had attempted to gain access to the bed of</p> <p>2 a truck?</p> <p>3 A. I set security about reviewing video in</p> <p>4 trying to locate that truck and the owner. That's</p> <p>5 it.</p> <p>6 Q. Okay. Now, there's -- if you look</p> <p>7 back -- first of all, let me ask you this.</p> <p>8 There is -- on -- it's, like, the fourth</p> <p>9 page, fifth page, it says, "Arrest Report." It</p> <p>10 has the name of the arresting officer, T. Alsup.</p> <p>11 A. Okay.</p> <p>12 Q. Do you see that name?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know him?</p> <p>15 A. No.</p> <p>16 Q. And it has another name, M. Colon.</p> <p>17 A. Yes.</p> <p>18 Q. Do you know him?</p> <p>19 A. No.</p> <p>20 Q. Okay. Do you know who they are? I</p> <p>21 mean, in other words, what is their</p> <p>22 responsibility?</p> <p>23 A. Yeah. They're detectives with the force</p> <p>24 investigation team.</p> <p>25 Q. All right. And then it says it was</p>

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<p style="text-align: right;">Page 74</p> <p>1 approved -- this report was approved by Sergeant 2 Jay McDonald. 3 Do you know Sergeant McDonald? 4 A. Yes. 5 Q. And who is he? 6 A. He's a sergeant with the force 7 investigation team. 8 Q. All right. Take a look at page 2 of 8, 9 the second paragraph. 10 "After viewing surveillance footage from 11 the Venetian hotel, detectives were able to 12 retrieve the numbers and letters of the license 13 plate for the white truck which Farmer approached. 14 An interview was conducted with the registered 15 owner of the vehicle. The following is a summary 16 of the interview and is not verbatim." 17 Then it has -- blanked out -- "was 18 stopped in traffic. As he approached the parking 19 garage of the Venetian, his friend" -- blanked 20 out -- "was in the passenger's seat and drew his 21 attention to an officer," it has in parentheses, 22 "Officer Lopera" -- "running towards his truck on 23 the rear passenger's side. Blank then noticed a 24 black male, Farmer, near the rear driver's seat 25 side of his truck who blank believed</p>	<p style="text-align: right;">Page 76</p> <p>1 tell me anything your attorney has told you. 2 Other than your attorney, has anyone 3 told you that there's any evidence that Mr. Farmer 4 attempted to carjack the vehicle? 5 A. All I saw was that overhead camera video 6 from the Venetian as he runs around the truck. 7 Q. Okay. 8 A. That's all I've seen. 9 Q. And that didn't show any evidence? 10 A. I mean, if you're asking for my opinion, 11 I could understand -- if I'm in Officer Lopera's 12 position, I can understand his confusion and how 13 he might construe that as a person who's trying to 14 get into that vehicle. It's clear when you take 15 that bird's eye view that that's not actually 16 occurring. He's actually trying to determine 17 where he's going to run next. 18 Q. Okay. Did you see anything in the two 19 videos, whether it was the body camera video or 20 the Venetian video, that justified the application 21 of a lateral vascular neck restraint? 22 A. No. 23 Q. Now, I've been advised that in this 24 report -- and it says in this report that 25 Officer Lopera used -- he cycled his taser seven</p>
<p style="text-align: right;">Page 75</p> <p>1 Officer Lopera was chasing." 2 Now, looking down, two paragraphs down, 3 it says, "Blank saw that an officer had Farmer in 4 a rear naked choke." 5 Do you have any idea how a civilian 6 would know whether or not it was a rear naked 7 choke or a lateral vascular neck restraint? 8 MR. ANDERSON: Objection. Form. 9 THE WITNESS: I do not know. 10 BY MR. SAYRE: 11 Q. Okay. It's not easy to determine the 12 difference between the two, is it? 13 A. No. 14 Q. Okay. He stated -- "Blank stated Farmer 15 did not attempt to open the tailgate of his truck 16 or get into the truck bed. Blank also stated 17 Farmer did not attempt to open his driver's door. 18 However, Blank said Farmer's erratic behavior made 19 him nervous, so he locked his doors prior to him 20 observing Farmer being tased by Officer Lopera." 21 You've read this police report 22 previously? 23 A. No. 24 Q. Oh, you have not. Okay. 25 Have you -- has anyone told you -- don't</p>	<p style="text-align: right;">Page 77</p> <p>1 times, the last time nine seconds in length. 2 Do you understand that to be out of 3 policy? 4 A. Yes. 5 MR. McNUTT: Objection. Form. 6 BY MR. SAYRE: 7 Q. Could you see the -- Officer Lopera in 8 the video striking Mr. Farmer 10 to 12 times? 9 A. On the video, yes. 10 Q. And did you consider that to be out of 11 policy? 12 A. Yes. 13 MR. McNUTT: Objection. Form. 14 MR. SAYRE: All right. I have 15 nothing -- oh, let me make sure. 16 Q. Did we cover all the charges that were 17 alleged against you? 18 A. The body-worn camera? 19 Q. Yeah. The camera we did. And that was 20 sustained? 21 A. Yes. 22 Q. And the major incident and all hazard 23 plan, that was sustained? 24 A. Yes. 25 Q. But the failure to intervene was not</p>



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<p style="text-align: right;">Page 78</p> <p>1 sustained?</p> <p>2 A. It was overturned.</p> <p>3 Q. Overturned.</p> <p>4 When you say "overturned," what does</p> <p>5 that mean?</p> <p>6 A. It means basically that my -- my</p> <p>7 explanation was such that the board voted and</p> <p>8 determined that I didn't have a duty to intervene.</p> <p>9 Q. Did they at any time accuse you of</p> <p>10 failing to supervise Officer Lopera as he</p> <p>11 maintained the lateral vascular neck restraint or</p> <p>12 whatever neck restraint on Mr. Farmer after you</p> <p>13 had told him to stop?</p> <p>14 A. I'm not sure I understand.</p> <p>15 Q. Sure.</p> <p>16 Were any of the charges that you failed</p> <p>17 to supervise adequately Officer Lopera after you</p> <p>18 told him to stop, to let go, of his lateral</p> <p>19 vascular neck restraint?</p> <p>20 A. Yes, that charge.</p> <p>21 Q. Which was that?</p> <p>22 A. It included that. The duty to</p> <p>23 intervene.</p> <p>24 Q. Okay. So -- but it wasn't just the duty</p> <p>25 to intervene, but it was also a duty to supervise</p>	<p style="text-align: right;">Page 80</p> <p>1 today.</p> <p>2 How long have you known Ken Lopera?</p> <p>3 A. Since sometime in February or March of</p> <p>4 this year, 2017.</p> <p>5 Q. Is that when he started working for you</p> <p>6 or you started working together?</p> <p>7 A. When I was going to transfer to that</p> <p>8 flex squad, I was given his name by somebody else</p> <p>9 as a possible candidate for the squad.</p> <p>10 Q. Would you describe your relationship as</p> <p>11 professional or personal?</p> <p>12 A. Professional.</p> <p>13 Q. Did you have any sort of personal</p> <p>14 relationship with him other than through the job?</p> <p>15 A. No.</p> <p>16 Q. You talked a little bit about Ken had</p> <p>17 always previously been receptive to your</p> <p>18 instructions or something like that.</p> <p>19 Do you recall that?</p> <p>20 A. Yes.</p> <p>21 Q. Can you explain that a little bit? Did</p> <p>22 you ever have an incident where you talked to Ken</p> <p>23 about something, and he responded in a positive</p> <p>24 manner?</p> <p>25 A. Absolutely. I mean, he was a very</p>
<p style="text-align: right;">Page 79</p> <p>1 him in letting go --</p> <p>2 A. Oh, you mean as a supervisor?</p> <p>3 Q. Yes.</p> <p>4 A. No, it wasn't really like that.</p> <p>5 Q. Okay. So they never charged you with</p> <p>6 failing to supervise Officer Lopera after -- after</p> <p>7 you told him to let go of the neck restraint?</p> <p>8 A. No.</p> <p>9 MR. SAYRE: All right. I have nothing</p> <p>10 further.</p> <p>11 MR. McNUTT: I have a few questions.</p> <p>12 Why don't we take a real quick break and --</p> <p>13 MR. SAYRE: Sure.</p> <p>14 THE VIDEOGRAPHER: Is 45 minutes enough</p> <p>15 for you, Counsel?</p> <p>16 MR. McNUTT: Oh, yeah. Yeah.</p> <p>17 THE VIDEOGRAPHER: Okay. We are off the</p> <p>18 record. The time is 11:27 a.m.</p> <p>19 (Whereupon, a recess was taken.)</p> <p>20 THE VIDEOGRAPHER: Back on the record.</p> <p>21 The time is 11:34 a.m.</p> <p>22 EXAMINATION</p> <p>23 BY MR. McNUTT:</p> <p>24 Q. Officer Crumrine, my name is Dan McNutt.</p> <p>25 I represent Ken Lopera. Thanks for your time here</p>	<p style="text-align: right;">Page 81</p> <p>1 proactive officer. He was always willing to work.</p> <p>2 He always took a short lunch to go out and do more</p> <p>3 work.</p> <p>4 I remember being on stops with him and</p> <p>5 giving him advice, whether it was on search and</p> <p>6 seizure or just general tactics, and he was always</p> <p>7 very receptive.</p> <p>8 Q. Ken was -- would you describe Ken as a</p> <p>9 good officer?</p> <p>10 A. Yes.</p> <p>11 Q. Would you work with Ken again?</p> <p>12 A. Yes.</p> <p>13 Q. Let's talk about the LVNR.</p> <p>14 You initially described the hold that</p> <p>15 Officer Lopera had as an LVNR; correct?</p> <p>16 A. I think I said "neck restraint," but,</p> <p>17 yes.</p> <p>18 Q. Okay. How would you describe it today?</p> <p>19 With everything you remember from the incident and</p> <p>20 seeing the videotape, how would you describe that</p> <p>21 hold? Is it LVNR, or is it something else?</p> <p>22 A. I still -- looking at those videos, I</p> <p>23 still can't tell you for certain what it is. And</p> <p>24 I'm not an expert in those -- in restraints. I'm</p> <p>25 not a defensive tactics instructor or a fighter.</p>

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<p style="text-align: right;">Page 82</p> <p>1 Q. Okay. From looking at the video, can</p> <p>2 you tell how long Ken had compression tight</p> <p>3 against the neck as in actively employing an LVNR</p> <p>4 technique from looking at the video?</p> <p>5 A. No.</p> <p>6 Q. From your percipient present tense</p> <p>7 impressions when you were at the scene, could you</p> <p>8 tell how long Ken was actively compressing the</p> <p>9 carotid arteries on the neck?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. Because without -- I mean, it was really</p> <p>13 something -- number one, I was actively involved</p> <p>14 in taking Farmer into custody. And, number two,</p> <p>15 it's not something that you could really tell,</p> <p>16 especially in a back-lying position, that you</p> <p>17 could tell just by looking.</p> <p>18 Q. No one can tell just by looking; is that</p> <p>19 correct?</p> <p>20 A. As far as when it comes down to pressure</p> <p>21 on the sides of the neck, no. It would only be</p> <p>22 the officer.</p> <p>23 Q. And I think you answered this question</p> <p>24 to Mr. Sayre earlier, but did -- was the LVNR</p> <p>25 technique that was used, was it a level 1, a level</p>	<p style="text-align: right;">Page 84</p> <p>1 MR. SAYRE: I'm a bad boy.</p> <p>2 MR. McNUTT: And, Fred, your color just</p> <p>3 flushed a little.</p> <p>4 MR. SAYRE: Yeah, not like yours. But</p> <p>5 that's because I'm young.</p> <p>6 MR. McNUTT: Youthful at heart.</p> <p>7 MR. SAYRE: My heart is youthful.</p> <p>8 Q. So we were talking about the -- the</p> <p>9 interview that you gave to -- is he Sergeant</p> <p>10 Leavitt? Detective Leavitt? Lieutenant Leavitt?</p> <p>11 A. Detective.</p> <p>12 Q. Okay. And was that -- why did you give</p> <p>13 that interview, first of all?</p> <p>14 A. The -- they're with the force</p> <p>15 investigation team, and that was on the advice of</p> <p>16 counsel.</p> <p>17 Q. Would your memory be better back in May</p> <p>18 about the incidents that just occurred a few hours</p> <p>19 earlier, or would it be better sitting here today,</p> <p>20 some six, seven months later?</p> <p>21 A. Then.</p> <p>22 Q. You answered a few questions about the</p> <p>23 strikes that you said you saw Ken deliver to</p> <p>24 Tashi Farmer.</p> <p>25 Do you remember that?</p>
<p style="text-align: right;">Page 83</p> <p>1 2, a level 3, or do you know?</p> <p>2 A. I do not know.</p> <p>3 Q. And, likewise, you do not know what</p> <p>4 angle Ken had on his rear arm; correct?</p> <p>5 A. Correct.</p> <p>6 Q. You don't know if it was zero degrees,</p> <p>7 20 degrees or 45 degrees?</p> <p>8 Correct.</p> <p>9 Q. Do you recall being interviewed shortly</p> <p>10 after this incident by your superiors or by anyone</p> <p>11 at Las Vegas Metro?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember who interviewed you?</p> <p>14 A. I think it was Jason Leavitt.</p> <p>15 Q. And was -- when did that interview</p> <p>16 occur?</p> <p>17 A. A few hours later.</p> <p>18 Q. So the same night, just literally right</p> <p>19 after this?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know if that statement was</p> <p>22 recorded that you gave?</p> <p>23 A. I'm sure it was.</p> <p>24 (Interruption by telephone)</p> <p>25 MR. McNUTT: Fred, you're six for six.</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I saw no strikes.</p> <p>2 Q. So you didn't see any strikes?</p> <p>3 A. Correct.</p> <p>4 Q. But did you say you could see the</p> <p>5 strikes in the video?</p> <p>6 A. Yes.</p> <p>7 Q. So the strikes hadn't occurred when you</p> <p>8 were there on scene?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. Could you tell from the video</p> <p>11 where the strikes landed on Mr. Farmer?</p> <p>12 A. No.</p> <p>13 Q. Let's talk about Mr. Farmer when you</p> <p>14 were there on scene.</p> <p>15 You said you grabbed his left arm to get</p> <p>16 him into a handcuffs; correct?</p> <p>17 A. Yes.</p> <p>18 Q. First off, why did you end up using two</p> <p>19 sets of handcuffs?</p> <p>20 A. He's a bigger guy. And if you look at</p> <p>21 our policy, we generally, to maintain someone's</p> <p>22 comfort and not to hurt them, put them in two sets</p> <p>23 of handcuffs.</p> <p>24 Q. Okay.</p> <p>25 A. It's a little bit easier, especially on</p>

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<p style="text-align: right;">Page 86</p> <p>1 a bigger person, to join two pairs together than</p> <p>2 it is to try to get their wrists together.</p> <p>3 Q. Sure. How would you describe -- well,</p> <p>4 first off, was Mr. Farmer resisting Ken when you</p> <p>5 approached?</p> <p>6 A. He was certainly not complying with</p> <p>7 going into handcuffs or going -- being taken into</p> <p>8 custody.</p> <p>9 Q. Did you ever tell Mr. Farmer to stop</p> <p>10 resisting or to comply?</p> <p>11 A. All I told him was on there, "Get your</p> <p>12 fucking hands behind your back."</p> <p>13 Q. Okay. When you put your hands on</p> <p>14 Mr. Farmer's arm -- is that correct, was it on his</p> <p>15 arm?</p> <p>16 A. Yes.</p> <p>17 Q. Did you touch him in any other spot?</p> <p>18 A. I'm sure I did.</p> <p>19 Q. Okay. But you recall grabbing his arm?</p> <p>20 A. Yes.</p> <p>21 Q. How would you describe Mr. Farmer's</p> <p>22 strength?</p> <p>23 A. Pretty strong.</p> <p>24 Q. So he was actively resisting you?</p> <p>25 A. He was pulling away. He was passively</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. And what did it take for you to gain</p> <p>2 control of him?</p> <p>3 A. Just to increase my level of strength in</p> <p>4 grabbing his arm.</p> <p>5 Q. Okay. And then were you able to do</p> <p>6 that?</p> <p>7 A. Yes.</p> <p>8 Q. And did Mr. Farmer resist being</p> <p>9 handcuffed the whole way through the handcuffing</p> <p>10 procedure?</p> <p>11 A. It was my perception that he was still</p> <p>12 resisting.</p> <p>13 Q. And what happened once you got him into</p> <p>14 handcuffs?</p> <p>15 A. We turned him back over, face up.</p> <p>16 Q. And was he no longer resisting at that</p> <p>17 point?</p> <p>18 A. Correct.</p> <p>19 Q. And it was your testimony that</p> <p>20 Mr. Lopera, Ken, released -- released the LVNR</p> <p>21 when you asked him to?</p> <p>22 A. Yes.</p> <p>23 Q. Who did you talk to other than your</p> <p>24 lawyer before today about your deposition?</p> <p>25 A. No one.</p>
<p style="text-align: right;">Page 87</p> <p>1 resisting by pulling away from my grip, breaking</p> <p>2 my grip.</p> <p>3 Q. How do you passively resist?</p> <p>4 A. By pulling away. That's how our policy</p> <p>5 lays it out, is that breaking an officer's grip is</p> <p>6 passive, because you're not intending to harm --</p> <p>7 because the subject is not intending to harm me.</p> <p>8 Q. So if you had a suspect that you had</p> <p>9 your hands on, and he was breaking the grip to run</p> <p>10 away, that's passive?</p> <p>11 A. According to our policy, yes.</p> <p>12 Q. Okay. Did you ever at any point</p> <p>13 describe Mr. Farmer as actively resisting?</p> <p>14 A. Yes.</p> <p>15 Q. When?</p> <p>16 A. I'm not sure, but I'm sure I have.</p> <p>17 Q. Excuse me?</p> <p>18 A. I'm sure that I have. He was actively</p> <p>19 resisting Officer Lopera.</p> <p>20 Q. Okay. But he was not actively resisting</p> <p>21 you? Is that the distinction you're making?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So you said Mr. Farmer was --</p> <p>24 what was your word? "Strong" was how --</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. And I mean not the night of. You</p> <p>2 obviously talked to Ken that night. You obviously</p> <p>3 talked to Detective or Sergeant Leavitt.</p> <p>4 A. Detective Leavitt.</p> <p>5 Q. But since then, what have you done to</p> <p>6 prepare for your deposition other than meeting</p> <p>7 with your lawyer?</p> <p>8 A. Nothing.</p> <p>9 Q. When is the last time you've spoken to</p> <p>10 Ken Lopera?</p> <p>11 A. It was probably September.</p> <p>12 Q. When is the last time you spoke to</p> <p>13 Officer Tran?</p> <p>14 A. I think I saw him at Officer Hartfeld's</p> <p>15 funeral in October.</p> <p>16 Q. Do you know still work with Officer</p> <p>17 Tran?</p> <p>18 A. No.</p> <p>19 Q. Do you work with Officer Lif?</p> <p>20 A. No.</p> <p>21 Q. How about Flores?</p> <p>22 A. No.</p> <p>23 Q. Did you ever interview the Venetian</p> <p>24 security guards after this incident?</p> <p>25 A. No.</p>

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<p>1 Q. Do you know if they were interviewed</p> <p>2 after this incident?</p> <p>3 A. I don't know.</p> <p>4 MR. McNUTT: I have no further</p> <p>5 questions.</p> <p>6 CONTINUED EXAMINATION</p> <p>7 BY MR. SAYRE:</p> <p>8 Q. What did Officer Lopera say to you in</p> <p>9 September?</p> <p>10 A. He called me, asked me how I was doing.</p> <p>11 Q. That's it?</p> <p>12 A. Yeah. Basically.</p> <p>13 Q. Did you ask him about criminal charges</p> <p>14 or anything like that?</p> <p>15 A. No. I just asked about his family.</p> <p>16 Q. Besides the night when you and</p> <p>17 Officer Lopera had a conversation about what had</p> <p>18 occurred, have you ever had any other</p> <p>19 conversations with Officer Lopera after that, on</p> <p>20 some other occasions, about what occurred?</p> <p>21 A. I served him with his notice of relief</p> <p>22 of duty later that day. And, let's see, he came</p> <p>23 in -- I got moved to day shift, and sometime later</p> <p>24 he came in to turn in his credentials. And I</p> <p>25 spoke with him briefly, just said hello, gave him</p>	<p>1 people know that he's not --</p> <p>2 Q. Okay. Is he no longer employed because</p> <p>3 of this incident?</p> <p>4 A. I believe so.</p> <p>5 MR. SAYRE: Okay. I have no further.</p> <p>6 Thank you.</p> <p>7 MR. McNUTT: One follow-up.</p> <p>8 CONTINUED EXAMINATION</p> <p>9 BY MR. McNUTT:</p> <p>10 Q. How many officers total did it take to</p> <p>11 get Mr. Farmer handcuffed?</p> <p>12 A. At least four.</p> <p>13 Q. Would you describe any event where four</p> <p>14 officers were involved in handcuffing someone as</p> <p>15 passive resistance?</p> <p>16 A. No.</p> <p>17 MR. McNUTT: Thanks.</p> <p>18 THE VIDEOGRAPHER: We done?</p> <p>19 MR. SAYRE: Yeah.</p> <p>20 MR. ANDERSON: Yes. I have no</p> <p>21 questions.</p> <p>22 THE VIDEOGRAPHER: This concludes</p> <p>23 today's deposition of Travis Crumrine. The number</p> <p>24 of media used was one. We are off the record at</p> <p>25 11:47 a.m.</p>
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<p>1 a hug. And I talked to him in September.</p> <p>2 Q. What does a notice of relief of duty</p> <p>3 mean?</p> <p>4 A. It means that the person is being put on</p> <p>5 admin leave. When I did it, it was paid admin</p> <p>6 leave, right there, pending the investigation.</p> <p>7 Q. Okay. So what is his status today, if</p> <p>8 you know?</p> <p>9 A. I believe he is separated from the</p> <p>10 department.</p> <p>11 Q. Has he been fired?</p> <p>12 A. I don't know.</p> <p>13 Q. When you mean "separated," what does</p> <p>14 that mean?</p> <p>15 A. He's no longer employed with the Las</p> <p>16 Vegas Metropolitan Police Department.</p> <p>17 Q. As of when?</p> <p>18 A. I'm not sure.</p> <p>19 Q. How do you know he's no longer employed</p> <p>20 by Las Vegas Metropolitan police?</p> <p>21 A. I was told by -- I'm not sure who told</p> <p>22 me, honestly.</p> <p>23 Q. Okay. If it was your lawyer, don't tell</p> <p>24 me. If it was somebody else, tell me.</p> <p>25 A. I honestly am not sure. Plenty of</p>	<p>1 (Whereupon, the deposition concluded</p> <p>2 at 11:47 a.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>